

THE SECTIONAL STRUGGLE

FORTHCOMING

THE SECTIONAL STRUGGLE

PART CONCERNING THE RESTRICTION OF SLAVERY

It will contain chapters on the Colonies, the Republic, the Constitution, Early Parties and Sectional Divisions, the Federal Judiciary and the States, and a complete history of the Missouri Compromise.

THE
SECTIONAL STRUGGLE

AN ACCOUNT OF THE TROUBLES BETWEEN
THE NORTH AND THE SOUTH, FROM
THE EARLIEST TIMES TO THE
CLOSE OF THE CIVIL WAR

FIRST PERIOD

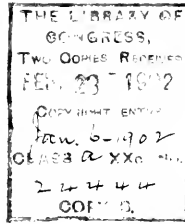
ENDING WITH THE COMPROMISE OF 1833. PART CONCERNING
THE EARLY TARIFFS AND NULLIFICATION

BY
CICERO W. HARRIS



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IN MEMORY
OF
MY MOTHER

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GENERAL PREFACE.

A FULL-LENGTH view of the long political and constitutional struggle between the North and the South is a desideratum in American history. The time has perhaps come when the more thoughtful people of both sections are ready to receive the story of the first part of that great conflict of ideas. The qualifications of an historian of a civil contest having many phases and stretching over a vast period are the high qualifications of candor, impartiality, calmness, courage, love of truth for its own sake, ability to see facts from all sides, and skill and power to express them in their proper connection with ease, dignity, clearness, precision, and force. Feeling the lack of some of these qualifications, but imbued with a deep sense of their value and of the importance of consecration in such a work, I have devoted my spare time from professional labor for many years to the collection of materials and the composition therefrom of an elaborate account of the sectional troubles in this country from a time anterior to the formation of the present governments to the adoption of the tariff compromise of 1833. This is equivalent to making a natural division of the sectional struggle into three parts: 1. That from 1787, or earlier, to 1833. 2. That from 1833 to 1850, the era of the second great slavery compromise after the inauguration of the present Federal government, that of 1820 being the first. 3. That from the compromise of 1850 to the close of the Civil War. Some materials for a history of the second period have been accumulated; but that is an independent work. If that work is never completed, the volumes already prepared will have such value as they may be found to have without

regard to the volumes which, if ever published, will tell the story of the later periods of the mighty conflict.

The history of the relations between the North and the South is varied in details and profoundly interesting. No chapters of political history have a greater charm for students of government, and certainly to the American nothing in human history yields so rich a fruitage. I have thought that a work separated from the general political history of the United States and devoted exclusively to this special field would not be without utility. Such a work, written in a plain style and adapted to popular wants, but with a critical purpose,—a work at once full in the major essentials and succinct in the minor,—I have endeavored to construct, with infinite care as to data and great catholicity in the handling of vexed questions. The imposing collection of books, pamphlets, documents, periodicals, and newspapers in the Library of Congress, including the debates and journals of Congress, the reports and digests of decisions in the United States courts, and State histories, legislative proceedings, etc., has been drawn upon for original sources of information, very little use having been made of the general histories of the republic, except to supply such materials as could not otherwise be obtained. The general plan of the work is to treat events in classes, topically, as far as practicable, but there is a sequence in the events of each subdivision. The book, as first prepared for publication, opens with some account of the colonies,—their origin, their mental and moral characteristics, their religion, their polity, their civilization, their differences from, as well as their likenesses to, each other. Following are a history of the origin of the republic of republics, including the adoption of the Constitution of the United States; a critical review of early parties; a summary account of early movements for disintegrating the Union; a chapter on slavery North and South before 1820; several chapters on the great compromise of that year, agreed to finally in 1821; the relations of the Federal judiciary with the individual States; the campaigns of 1824 and 1828;

and, finally, the tariff legislation from 1789 to the act of 1833, with the climax of nullification. The debate of 1830 and the still greater debate of 1833 in the Senate are stated more fully, perhaps, than elsewhere in any single volume yet issued. All the side lights in these and other sectional discussions that are obtainable are furnished at great pains of search and collocation. The Virginia anti-slavery discussions and the Nat Turner insurrection figure in the story. Such characters as George Mason, Roger Sherman, James Wilson, William Lowndes, and Robert Y. Hayne, who have seldom received their dues from historians, are made to stand out on the canvas, while the parts played in the history of the country by Madison, Hamilton, Jackson, and Webster are not permitted to dwarf the equally important parts taken by some of the above and by Henry Clay, the great pacificator.

The aids to the reader are copious references to authorities, necessary explanations in foot-notes, and a marginal index of dates and topics. The entire work has been rewritten,—some chapters several times,—and all votes in Congress have been verified by comparison of the *Annals* or *Register of Debates* with the *Journals*.

PREFACE TO THE PRESENT VOLUME.

THE publication of the History of the First Period of the Sectional Struggle has been attended with so much difficulty the author concludes that it would be wiser to issue the second or shorter part of the narrative separately, and to defer until another time the publication of the rather more interesting story of the Missouri Compromise and preceding events. The portion now published is probably not without interest to students of our early politics, especially to students of our economic history. It includes a pretty full account of the tariff legislation and attempted legislation from 1789 to 1833, as well as of the memorable debates of 1830-33.

As soon as possible the other volume covering this period will be published. The author deeply regrets that he cannot send out the complete work at this time.

A HISTORY

OF THE

SECTIONAL STRUGGLE.

CHAPTER I.

TRANSITION.

PARTIES are not created at will, but are the slow growth, out of wants, hopes, and failures, of very many years and efforts. Not to go further back in the line of causation than the close of the second war with

Parties not created at will.

Great Britain, it is found that the possibility of future disintegration and agglutination existed in the circumstances of the country and the state of the public mind. By no means is it to be said that the Whig party arose from the felt want of some provision by the federal government for the development of the country's great resources. Its origin was broader than that want, however

strongly felt and acutely expressed by the statesmen of the time, many of whom held subsequently other views than those then

Origin of the Whig party. A convenient starting-point.

enounced. But it may be convenient to start here in quest of the original principles of the Whig party. Let it be remembered that he who more than any other man was the father of this great organization was a State-rights Democrat, that many of those who acted with him were likewise Jeffersonians, and that not a few of the men who afterwards became prominent in the leadership of the re-

organized Democratic party had been nurtured in the old Federal party. The new was hardly the lineal successor of the Federal party. The war had come apparently to mark the line between the old and the new dispensations. Back of that line was the Revolution,—its causes, conduct, aims; its principles, issues, leaders. Here was heroic action, partial synthesis. The freedom of the people, their confederation, their inward unity in one sense and their outward unity in another,—these were to be achieved and maintained. On this side was achievement also, but it was the achievement chiefly of material rather than political prosperity, of advancement in arts, commerce, agriculture, manufactures, and, above all, in the moral, spiritual, and intellectual parts of the national life. The line, then perhaps hardly discernible, is now plainly traced. The close of the contest with the mother country had given to foreign commerce and all branches of industry in connection with it by association or dependence an unnatural stimulus. A partial paralysis of trade had followed. It was seen then that the United States must rely upon themselves for many if not most of the articles it had been the custom to import from England and other lands. Hence the tariff of 1816, which, with the cognate subjects of internal improvement and the sale and settlement of the public lands, will be treated in further and separate chapters. Hence the recommendations of Monroe and Calhoun and all the discussion of the time in relation to roads, canals, harbors, and other objects upon which governmental energy was expended.

The Missouri debates had both retarded the growth of the new politics and advanced it: retarded, because they absorbed public attention; advanced, because they sowed distrust between the sections and stimulated the latent feeling in the North in behalf of the general government as opposed to the State governments. In that section there was not always, perhaps, more of the spirit of consolidation

Clay an original
Democrat. Federalists in the
new Democratic
party.

New aims and
incentives.

How the Missouri
debates had affected
public sentiment.

than there was at the South, but it was more conspicuous at certain times, and was the outgrowth of peculiar and local circumstances. To oppose a federal administration which embarrassed their commerce the New Englanders had gone almost as far as logical consistency demanded in advocacy of State rights. On the other hand, it was well known that in the earlier days of the republic the leaders of that public opinion which was favorable to more or less of centralization resided in the North and united with the Federal party. The slavery issue presented in the late controversy had drawn over to the opposition a large number of northern Republicans, or, as they began to be called, Democrats. The brainiest men in the Congress who championed the restriction upon the new State were life-long Federalists, however; for it was such debaters as King, Otis, and Sergeant who furnished the arguments combated by the friends of Missouri. These northern leaders appreciated the fact that it was not possible after the compromise to frame a party on the abolition issue straight out or on any derivative or moderate principle of emancipation. But they recognized the power of the sentiment in the country, strong in the North and not contemptible in the South, which called for a distinctively American system of industry. By fostering this sentiment they hoped to control public affairs as well as build up a physical power in the North which should be invincible far into the future. Not quite yet was the commercial influence of the old towns ready to accept the good held up to its view. For a few years longer was this ponderous influence to be thrown into the scale against protection by legislation of the various industries which it was feared would injure the importers. The press, ever in modern times and among English peoples a potent factor in public opinion, was beginning to espouse with zeal the cause of manufactures. The old *Aurora*, shorn of some of its popularity, but still widely read, was devoted about this time almost exclusively to the championship of protection, and there were

The North and
consolidation.

The American
industrial sys-
tem.

many other journals which labored with zeal to establish the principle.

The germs of future political divisions are seen also in the spirited conflict between the Washington organ of the Federal administration and the Richmond organ of the State-rights party. For several years alienation had existed, but now there was open hostility on various themes. All topics were handled with reference to the fundamental nature of the government, the origin of the Constitution, its construction and powers, and the status of the State governments in the system, the character of sovereignty, and the definition of the word "people" in a federal government. The *National Intelligencer* said that the Constitution was not formed by the States, but by the people of the whole country. The *Enquirer* retorted by quotations from the *Federalist* and Madison's speeches before the Virginia convention. The Charleston *Patriot* contended that the Congress might do everything that concerned the general welfare. Indeed, the clause in the Constitution on which this idea was based was often adduced as sufficient for all the purposes of a national as distinct from a federal government.

The next President is ever a topic of interest in the United States. At this time it was discussed even before Mr. Monroe's second term had begun. Hate and rancor, involved chiefly in a quarrel of personal preferences and having as yet little relation to any great question of policy, disturbed the public tranquillity. The candidates were at first Mr. Adams from the North, Mr. Crawford and Mr. Calhoun from the South, and Mr. Clay and General Jackson from the West. Until the Crawford party made the fatal blunder of assuming for him regularity as the Republican nominee by a Congressional caucus, that gentleman was clearly stronger than any other candidate. A native of Virginia, the first State of the South; a citizen of Georgia, aspiring to be the second State of that section; adhering more

Washington
and Richmond
organs of the
administration.

1823-24.

Presidential
candidates.

closely, perhaps, than either of his rivals to the original doctrines of the State-rights school; of massive frame and commanding appearance; popular in arts and address; a shrewd though honorable politician; long at the head of the important treasury department of the executive branch of the government, his ascendancy drew upon him the hostility of all the factions and chieftainships. To him clung much of that old party Republicanism which conjured in the names of Jefferson and Madison. The older leaders, like Mr. Macon and John Taylor, of Caroline, were devoted to him. The younger men who believed in the old principles in their entirety also supported his candidature. The candidacy of Mr. Calhoun was dependent on the action of the Pennsylvania Republicans. His strongest friends were in that State and in South Carolina, although he was not without ardent following in New England. He was of Scotch-Irish extraction, had family and personal ties in the North, and had been graduated from Yale College. The youngest, he was also perhaps the most advanced of the five in his views on the subject of internal improvements. Such had been his position, certainly; and the country was yet to learn of any change in his views. The Western candidates were as diverse in traits and talents as it was possible for them to be. Clay, the more experienced in civil life, was a man of society, an orator of distinction, a diplomatist. Original defects in education had been partly covered by contact with men of refinement, by a keen adaptation of means to ends, and by such reading as he had time for in the midst of a ceaseless activity. His manners were elegant, and usually his language was correct. Jackson was the successful soldier, the border politician. He had not thought of the Presidency until long after the country had set him up as an idol.¹ But he became enamoured of the thought when he saw that there was an opportunity for the military hero. Mr. Clay's

¹ Parton's *Life of Jackson*, vol. ii. p. 354; *Letters of H. M. Brackenridge*, p. 8.

friends had been secured in a long career in the Congress, where, if anywhere, the brilliant and energetic politician may work out a grand destiny, not solely by public measures, but also by social converse and management. Nothing had been neglected by Mr. Clay which could have contributed to his fortunes. It is invidious to draw social distinctions in a democratic country. But truth requires the statement that, so far as there were social lines drawn at this time in politics, the candidacy of General Jackson was the candidacy of the element which had not been dominant in the general government, but which was restive under restraint and determined to assume direction. Jackson himself was a fair type of this middle class. Resolute, firm to imperiousness, with the faults of illiteracy and the virtues of chivalry; a hero, with baser elements intermixed; flashing out in sudden passion, but never losing self-control; discretion, although obscured frequently, asserted itself, and the mastery of intuitive common sense was even greater than that of fiery courage. He, too, was a Scotch-Irishman in everything except the accident of birth. Mr. Adams was the Northern candidate. At that time no other man from that section could have secured any considerable support; for Rufus King was the only other conceivable candidate, and he was out of the question by reason of his unpopularity in the South, due to his course in having advocated the restriction of slavery. Mr. Adams was not a popular man. The coldness of his general manner, his apparent neglect of political arts, and, above all, the enmity engendered by his exposure of the alleged plots of the Essex Junto in 1808, had detracted much from his chances of success. On the other hand, his culture, morality, ability, and public training seemed to mark him as a worthy successor of the great men who had sat in the Presidential chair. Generally, however, his candidature was coldly supported, and what zeal there was displayed was the result of sectional pride rather than personal choice.

Toward the end of 1823 the nominations were well

canvassed. North Carolina and Virginia declined to express through the legislature any opinion on the propriety of a Congressional caucus to nominate candidates for the Presidency and Vice-Presidency. The legislatures of Tennessee and Maryland and the House of Representatives of South Carolina had denounced the plan of a caucus.¹ Indeed, the Tennessee legislature had nominated General Jackson. Elected to the Senate to further this purpose to make him President, he was on the spot where all his great rivals were in high positions, looking closely after their personal interests. Mr. Calhoun, seeing that Jackson had more friends in Pennsylvania than himself, withdrew from the race and was soon afterward supported for the Vice-Presidency. Eastern preference for Mr. Adams was shown by the action of the Maine and Massachusetts legislatures, which were soon followed by those of other New England States and by public meetings and the voice of the press. The legislature of Alabama approved by resolution the nomination of General Jackson, but the resolution was vetoed by the governor. The opposition to Congressional caucuses had been steadily growing since 1816, but it was now much stronger from the fact that it was known that Mr. Crawford had more friends in the Congress than any other candidate. If a caucus were held, Crawford must inevitably be the nominee. Hence, the three other candidates were unanimous in their rejection of a caucus nomination. At that time a general convention was deemed impracticable on account of the inconvenience of attendance. There were few steamboats and no railroads. Many portions of the country were as remote from the political centres as if they were on the other side of the Atlantic Ocean. The objections to the Congressional caucus, which, in some form had been the mode of nominating Presidential tickets since 1800, were valid, although not insuperable. So long as there was a real division of the country into parties, and

The nominations in the States.

¹ *National Intelligencer*, January 2, 3, 1824.

only the very greatest men aspired to the first office, the caucus would work as well at least as any mode likely to be substituted for it. The members were as little disposed to betray the trust reposed in them as the members of the State legislatures, and were far more competent, from their wider range of observation, to select men of national fame and fitness for the position. But the caucus had its faults of favoritism and inequality, and was doomed.

On the 14th of February, after an ineffectual attempt by a few of Crawford's partisans to postpone the caucus, a conference of his friends in Congress was held at the Capitol. Sixty-six persons were present, and two others were represented by proxy. It was decided to ballot for a Presidential and a Vice-Presidential nominee of the Republican party, a proposition to adjourn having been rejected. The result of the voting was that Crawford received sixty-four votes; John Quincy Adams, two; Jackson, one; Macon, one. William Harris Crawford was declared the nominee. For Vice-President Albert Gallatin, having received fifty-seven votes, was announced as the nominee. Messrs. Adams and Eustis of Massachusetts, Samuel Smith of Maryland, William King of Maine, Richard Rush, John Tod, and Walter Lowrie of Pennsylvania, received each one vote, and Erastus Root of New York, two votes. Among the attendants on the caucus were the two Barbours, Archer, W. C. Rives, Alexander Smyth, Floyd and George Tucker of Virginia, Holmes of Maine, Van Buren and Cambreleng of New York, Lowrie of Pennsylvania, William Smith of South Carolina, Spaight and Edwards of North Carolina, and Elliot, Forsyth, and Cobb of Georgia. The caucus issued an address to the people.

The nomination defined more closely the issues before the public. It was now the purpose of each of the other candidates to show that the caucus was a usurpation. They argued that a nomination made by only sixty-six out of a total membership of two hundred and sixty-one was so

The Crawford
conference.
Last of the Con-
gressional cau-
cuses.

clearly a minority nomination as not to be considered seriously. They not only denied the regularity of such a proceeding, but asserted that Crawford was not as strong before the people as he appeared to be before the Congress. The spring and summer were filled with the small incidents of a bitter, unscrupulous, and purely personal campaign.¹ Rumors of combinations were denied, but undoubtedly some of the reported propositions were made and rejected. There seemed to be more good feeling between the partisans of Adams and those of Jackson than between the friends of any two of the others after the withdrawal of Mr. Calhoun. A Tammany meeting in New York nominated Jackson and Calhoun for the Presidency and Vice-Presidency respectively, on the 8th of April, and the Jackson meetings generally followed the example. The health of Mr. Crawford, long precarious, became so much worse during the summer that he was frequently absent from his office and from the city of Washington. He was a paralytic and was reduced nearly to the condition of blindness and imbecility. It is possible that his actual condition was not always so bad as his opponents represented, but it is very clear that it gave great concern to his friends and distrust to the general public, who did not desire to install a physical wreck as President of the United States. From a commanding position as leading candidate he steadily sunk to the third place. But the Crawford organs, led by the *National Intelligencer*, declared that he suffered only from "slight debility," and that he would be chosen over all the others by the electoral college. There was another complication for the Crawford party. Mr. Gallatin from the first had to contend with the popular objection that he had not been nine years in the country as a citizen before the adoption of the Federal Constitution. His services in the Revolution and subsequently were not thought to overbalance this

The caucus denounced as a usurpation by the other candidates.

Crawford's precarious health.

Withdrawal of Gallatin.

¹ *Niles's Register*, May 29; *National Intelligencer*, March 27.

defect. On the 21st of October the *National Intelligencer* "was authorized to say" that the name of Mr. Gallatin as a candidate for the Vice-Presidency was withdrawn.¹

The violence of the excitement was somewhat abated as the day of election approached. It was an uncertain conflict, and passion had become fatigued. This campaign and that which followed in 1828 have always been regarded as standing alone in their personalism, virulence, and display of all the baser passions of human nature. In some respects they differed. The campaign of 1824 was more strictly personal, and turned less on political principle than that of 1828. Possibly no more malignant contest ever occurred than the latter, but there was something more in it than the strife of individuals. In 1824 the old parties were only known by their names and Federalism was little more than

An uncertain conflict. Approach of the election.

The character of the campaigns of 1824 and 1828.

a reminiscence. On the other hand, in 1828 there was a distinct line of demarcation, although the political were also personal boundaries. It was Adams and Jackson, but Adams representing one construction of the Constitution, one policy of administration, and Jackson, through his friends at least and chief supporters, representing what was diametrically opposed. The policy of the latter was indeed vaguely hinted at in the name given to the general's party in the resolutions adopted at the Philadelphia meeting of November 5, 1823.² They called themselves "Democrats." But this name had sometimes been used before that as synonymous with Republican.

The election of Mr. Adams by the House of Representatives had a greater influence on the politics of the country than almost any other event that had happened since the foundation of the government. It was certainly more radical in its effects than any federal election that had occurred since the election of Jefferson

1825.

¹ The letter of withdrawal was written on the 2d.

² *Niles's Register*, November 15, 1823.

in the same manner in 1801. General Jackson had a plurality in the electoral college and also of the popular vote, but there were various circumstances besides the ambition of Presidential candidates and the allegation that Jackson was not a suitable man for the position which were availed of to compass his defeat. The Northern Republicans were generally, outside of New York and Pennsylvania, determined upon a Northern policy and a Northern man to execute it. Born in North Carolina,¹ a citizen of Tennessee,—both slave-holding States,—himself a slave-holder, and identified at most points with Southern interests and imbued with Southern principles, General Jackson was regarded by the New England leaders as just the man, notwithstanding his pacific letter to President Monroe and his votes in favor of the tariff and internal improvements, to further measures to which they were opposed. Again, Mr. Clay's friends saw that, were Jackson chosen, Mr. Clay's prospects would be postponed for a long while, perhaps indefinitely; for both men were from the same section, whereas Mr. Adams at the most could stand in the way but two terms, and as he was from the North the candidate would probably be selected the next time from the West. It is not necessary to assume that a bargain was made between Adams and Clay, or between their respective friends, and assented to knowingly or ignorantly by the principals. The political and personal reasons for preferring Mr. Adams to General Jackson were sufficient to Mr. Clay. The character of the two men forbade the presumption of an immoral transfer of influence. Neither before nor since did anything occur consistent with such supposed conduct. It is therefore safe to maintain that on this occasion neither acted from corrupt motives, but that both were actuated, as honorable men should have been,

Mr. Adams chosen President by the House of Representatives.

Unnecessary to accept as true the charge that a bargain was made between the friends of Clay and those of Adams.

¹ Parton's Jackson, i. 52 *et seq.*, established this, but General Jackson said he was a native of South Carolina.

by a true desire for the country's welfare. But the coalition was none the less morally reprehensible, none the less unfortunate in its immediate results on the fortunes of the parties engaged in it. The will of the people was set aside. The legislature of Kentucky itself had avowed a preference for General Jackson. It was well known that Jackson, as between the two men, was the popular choice.¹ When, therefore, by a vote of thirteen States for Mr. Adams to seven States for General Jackson and four for Mr. Crawford, the candidate of the minority was elected, opposition to the new administration began, even before the news of the election had reached all the settled parts of the country. The election took place on the 9th of February, 1825. On the 10th Mr. Adams decided to appoint Mr. Clay Secretary of State, and continue Mr. Crawford as Secretary of the Treasury.² The nomination of Mr. Clay, opposed for a while in the Senate, was finally confirmed.³ Mr. John W. Taylor, who had been Speaker of the Sixteenth Congress after Mr. Clay's resignation, and who was a personal friend of the President, was chosen Speaker of the House in December. The President's inaugural address had been an able and candid deliverance of his views, in which he had invoked harmony, urged the importance of internal improvements, and spoken modestly of himself. Certain passages of this address and of his first message were afterwards criticised freely both for their rhetoric and their political doctrine, which were assumed the one to be faulty and the other heretical.

Mr. Adams started with a majority in the Congress in his favor. Mr. Clay thought that the opposition to the new administration would not be formidable.⁴ But the

¹ Hammond, *History of Political Parties in the State of New York* (Albany, 1842), vol. ii. p. 188.

² *Memoirs of John Quincy Adams*, vol. vi. p. 505. Crawford declined the honor.

³ Of the Senators who voted against the confirmation of Mr. Clay, four were Northern and ten Southern, including Tennessee and Mississippi.

⁴ *Memoirs of John Quincy Adams*, vol. vi. p. 524.

President knew that he was unpopular personally, and that the manner of his election had excited public feeling against him in portions of the Union, while there was nothing in the combination with Clay to afford a solid ground for the hope that this prejudice would abate.¹ The friends of Crawford and some of Mr. Clay's own friends who did not like the aspect of a bargain which was charged very freely from the time of the election, uniting with the old Calhoun men and the partisans of General Jackson, opposed the measures in Congress which were brought forward by the administration party. The Panama mission was perhaps the first measure on which there was a general effort at concerted opposition. This was a proposition looking to at least moral support of the Spanish-American republics against the aggressions of foreign powers. The opposition was not based on unfriendliness, but on the peculiar nature of the United States government and the undesirability of interfering in the concerns of other powers. The commission was authorized, however, but nothing ever came of it. On the 8th of April, 1826, occurred a duel between Henry Clay and John Randolph, growing out of reflections by the latter in debate upon the character of the former, the subject matter intimately connected with the recent election. In the fall of 1826 and winter of 1826-27 Mr. Calhoun's administration of the office of Secretary of War and even his private reputation as a man of honor and probity were assailed in the newspapers. A contract with an individual named Mix, in which the chief clerk of the War Department was involved, was relied upon to smirch the character of the clerk's superior and destroy his influence as a public man. Mr. Calhoun was now Vice-President, and the alleged offence was in strictness not cognizable by the Congress; but he demanded an

Union of different elements against Adams.

A duel.

The Mix contracts.

¹ In his diary for the 31st of December, 1825, Mr. Adams states that his "elevation" had not been "in a manner satisfactory to pride or to just desire . . . with perhaps two-thirds of the whole people adverse to the actual result."—Memoirs of John Quincy Adams, vol. vii. p. 98.

investigation. Mr. Barbour, his successor in the War Office, pronounced the accusation a base calumny, and the committee of the House asked for by Mr. Calhoun exonerated him completely.¹

Steps had been taken early after Adams's election² to make General Jackson the candidate against Mr. Adams or whomever should be the administration man in 1828.

But the campaign was not very exciting—this campaign of four years, the residuary legatee of a previous four years' campaign—until 1827, when a series of letters were written by General Jackson and many dinners were given in honor of both Presidential candidates. The resolutions of the Virginia legislature and of the Virginia and South Carolina anti-tariff meetings, passed during the spring and summer of 1827, were offset by protective meetings held chiefly at the North. The general convention of the protectionists met at Harrisburg, Pennsylvania, on the 30th of July, in this year. These events are properly connected with chapters of this work which follow. So far as the principals in the contest for supremacy were concerned, Mr Adams for himself did little to provoke animadversion. General Jackson, on the contrary, took up his own cause in his own effective though undignified way. His constant allusions to "the bargain" drew out Mr. Clay, who denied the accusation with great indignation and called for proofs. These General Jackson attempted to produce. But his witnesses differed so much in details that their testimony was practically valueless.³ Nevertheless, an unpleasant impression yet remained on the public mind, and positive verbal or ocular proof was not demanded.

Meantime the new Congress, which had been elected in

¹ Register of Debates, 1827, p. 1128; *Niles's Register* for February and March, 1827.

² Adams charged that the next day Calhoun began to plot against him and to combine the opposition.—Memoirs of John Quincy Adams, vol. vi. p. 506.

³ *Niles's Register*, November 10.

opposition to the administration, had chosen a Speaker from what was called the Virginia school of politicians. Andrew Stevenson was preferred to John W. Taylor.¹

The new Speaker of the Virginia school.

Various names were suggested among the Adams men for the position of Vice-President. Clay was disposed at one time to consider a proposition of the sort.² He himself spoke to the President of the Secretary of War, James Barbour, of Virginia, and Mr. Adams declared to the latter his approbation of the suggestion.³ The name of Crawford awakened in Mr. Adams recollections of an unpleasant nature. They were old and bitter enemies. One branch of the Georgia legislature nominated Mr. Crawford in December. Although from the start there were indications that Calhoun would be the choice of the Jackson party for Vice-President, it was not until the close of 1827 or beginning of 1828 that there was a general agreement to that effect.

One of Jackson's most influential supporters was Martin Van Buren, of New York, then a Senator of the United States. He had been in favor of Crawford in 1824. The State-rights reactionary movement, begun in Virginia by John Randolph and Governor Giles, and of which the Richmond *Enquirer* was the ablest newspaper exponent, had extended to other States and as far north as New York. In accepting re-election to the Senate, Mr. Van Buren spoke of "remaining rights" of the States and the purpose "to restore those of which they had been divested by construction." The effort was made to stem the tide which had set in in favor of internal improvements and protective legislation, and which had been

Van Buren.

¹ "There is a decided majority of both houses of Congress," writes Mr. Adams in his diary on the 3d of December, "in opposition to the administration—a state of things which has never before occurred under the government of the United States."—Memoirs of John Quincy Adams, vol. vii. p. 367.

² Memoirs of John Quincy Adams, vol. vii. p. 216.

³ Ibid., p. 352.

steadily rising since the close of the second war with Great Britain. Both the administration and the opposition professed to be democratic.¹ There was no fully organized Federal party, except perhaps in Delaware, where it had been defeated recently. The Jackson party, however, as-
Claim of the Jackson party. sumed at the South to be the old Republican party, in favor of strict construction, opposed to lavish expenditures, and especially to the tariff, which was very unpopular in that section. Still, Mr. Adams had supporters even in Virginia. So late as October, 1827, there is reason to think that a majority of the Virginia newspapers was favorable to the administration.² The Virginians, indeed, did not admire General Jackson as a civilian. The Richmond *Enquirer* said it regarded him as "a choice between inevitable evils."³ On the other hand, Mr. Adams was not joyfully supported by his party.⁴

Party spirit was simply venomous on both sides. The Jackson men cried "Bargain," while the Adams men re-
Party spirit venomous. tortured with coarse allusions to circumstances in the marriage of General Jackson.⁵ At the Capitol, after delivery of a message to one of the houses of Congress, Mr. John Adams, son and private secretary of the President, was assaulted by a journalist named Jarvis, who alleged in extenuation that young Adams had insulted Jarvis's parents in his own hearing at the White House and had refused reparation or even correspondence on the subject. The affair was investigated, as it created excitement and was thought to trench on the privileges of the Congress. But, besides a condemnatory report, nothing was ever done. The anti-Masonic excitement in the State of New York, caused by the mysterious disappearance of

¹ *National Intelligencer*, January 9, 1828.

² *Niles's Register* (October 6) says that there were at that time eighteen Adams and eleven Jackson papers in Virginia.

³ February 16, 1828.

⁴ Walsh, in *National Gazette*.—*National Intelligencer*, December 15, 1828.

⁵ Judge Overton's statement (Parton, vol. i. pp. 148-153) exonerates Jackson.

Morgan, who had threatened to print some exposures of Freemasonry, was a factor in the election. The Adams party denied that it was concerned in producing or keeping up the popular feeling in the matter.¹ Private letters and conversations were violated frequently during this remarkable campaign.²

Slavery did not enter into this election to any considerable extent. But some of the Adams papers denounced Jackson for owning slaves. The Compromise of 1820 had set aside this question for the time, and the tariff was then and during the whole of the Jackson period the principal issue between the sections.

The slavery question set aside temporarily.

The spring of 1827 had found the administration still confident of success. Mr. Adams, with his more cautious temper, was less sanguine, perhaps, than Mr. Clay, the head of the cabinet, or Mr. Webster, leader in the Congress. There was, apparently, good reason for this hopeful spirit; for, on the surface at least, affairs were prosperous. Mr. Van Buren's party organs and workers were restrained from pronouncing for General Jackson in New York until after this period in the struggle.³ The Clinton party, which was not then in the ascendancy, had been for him all the while.⁴ In both State and Federal elections the candidates were discriminated as Adams or as Jackson men, though sometimes under protest against the slavishness of the classification.

The election of 1828 was decisive. General Jackson received 178 votes in the electoral college, and Mr. Adams 83; Calhoun, for Vice-President, 1828. 171; Rush, 83; and Smith, of South Carolina, 7. In this

¹ The Anti-Masonic party in New York supported Adams, who was not a Freemason, in preference to Jackson, who was a member of the order.—Hammond, vol. ii. p. 283.

² *Richmond Enquirer*, April 4, 1828.

³ That is, about the time of the Tammany meeting, September 26.—Hammond, vol. ii. p. 259.

⁴ *Ibid.*, 256.

campaign General Jackson had depended upon New York in the North, as he had done in 1824 upon Pennsylvania.

Jackson's election. The vote for Jackson and that for Adams were thus distributed as to States and sections: Maine, Jackson 1, Adams 8; New Hampshire, Adams 8; Massachusetts, Adams 15; Rhode Island, Adams 4; Connecticut, Adams 8; Vermont, Adams 7; New York, Jackson 20, Adams 16; New Jersey, Adams 8; Pennsylvania, Jackson 28; Delaware, Adams 3; Ohio, Jackson 16; Indiana, Jackson 5; Illinois, Jackson 3. These were all Northern States. In the South, Maryland gave Jackson 5 and Adams 6; Virginia, Jackson 24; and all of the other States were for Jackson, as follows: North Carolina, 15; South Carolina, 11; Georgia, 9; Kentucky, 14; Tennessee, 11; Louisiana, 5; Mississippi, 3; Alabama, 5; and Missouri, 3.¹

Mr. Adams's inauguration had been grave and decorous. A new era requires new men and new modes. Mr. Adams, the last of the post-revolutionary statesmen who were to fill the chair of President, was a man of aristocratic instincts, personally simple to the point of austerity in tastes and manners. But General Jackson was a man of the people. Tall, erect, and "gifted with what we call a presence,"² imperious, as if born to command, he yet felt himself to be one of the vast multitude of American sovereigns. Such a man naturally called around him on his promotion to the Presidency a horde of all classes of admirers as well as many mere curiosity-seekers. Alluding to the reception which followed the ceremonies, Judge Story says, that "the reign of King Mob seemed triumphant."³

¹ Register of Debates of the Twentieth Congress, p. 350.

² Parton's Life of Jackson, vol. i. p. 111.

³ Ibid., vol. iii. p. 169.

CHAPTER II.

THE TARIFF—1789-1820.

THE enlightened theories of political economy which were the fruit of the tree of political liberty, first plucked in England and then speedily transshipped across the Channel and assimilated with the radical philosophy of France, were always difficult to adapt to the every-day wants of nations. As conceived by Adam Smith and expanded by his successors, the doctrine of free trade seems to the rational mind one which the sagacity of statesmen and the common sense of the people alike would eagerly embrace and steadily put into practice. That it has not been so, all admit. At least some of the reasons why will appear in the course of the following pages.

The free-trade theories. Difficulty of adaptation.

The subject of revenue had been the most vexatious in the history of the United Colonies and of the United States under the Articles of Confederation. Above everything else, the difficulty of raising it had brought about the movement for a more perfect government. The Constitution had left the matter, not as proposed by the extreme State-rights party, in the hands of the States as before, with the dangerous power of State coercion as the only means for its collection in the last resort, but with the Congress to legislate and the executive to carry out the legislation, the Supreme Court having been intended to decide upon all points of construction of the laws framed.¹

The subject of revenue under the Articles of Confederation and under the Constitution.

¹ Certainly as to all which did not involve questions of sovereignty in their last analysis.

It was competent then for the Congress to pass such acts as should consist with the Constitution ; and that body was

The power of the Congress after the ratification of the Constitution.

expected to enact none but such laws as were suited to the existing needs of the country, with a prospective glance, but with prejudice to no section, class, or interest whatever. As

questions of money and the regulation of trade lie at the base of all public administration, it was the revenue for the support of the government which was the first matter debated in committee of the whole in the first

1789.

Revenue the first question debated, April 8. Mr. Madison the introducer of the topic.

House of Representatives. It was on the 8th of April, 1789, and Mr. Page, of Virginia, presided. Mr. Madison introduced the subject in some general remarks, in the course of which he alluded to the impotency of the late

Congress and the establishment of a more effectual government. Both on account of the man and the occasion this first speech in the Congress on a great public question is worthy of our consideration. Madison was the leader in that chamber of the party which had been successful. He was in the early maturity of a life which was to be longer than the average and devoted almost throughout to the public service of his country. He was a speaker of assured powers, his knowledge of men and principles was profound, his reading was over a wide field, and his command of public questions was certainly not inferior to that of any man of his times, either at home or abroad. He had acquired experience in the legislature of Virginia, in the Congress of the Confederation, in the convention that framed the Federal Constitution, and in the State convention which ratified the great instrument. His wisdom as a counsellor, his practice as a draftsman of laws and constitutions, his readiness and tact as a debater, were everywhere recognized. It was well that he should point the way. Mr. Madison said that the Congress ought, in its first act, to revive those principles of honor and honesty that had too long lain dormant. To remedy the evil of a deficiency in the treasury "a national revenue must be obtained, but

the system must be such a one that, while it secures the object of revenue, it shall not be oppressive to our constituents." He apprehended that both these objects might be obtained from an impost. "In pursuing this measure," he continued, "I know that two points occur for our consideration. The first respects the general regulation of commerce, which in my opinion ought to be as free as the policy of nations will admit. The second relates to revenue alone; and this is the point I mean more particularly to bring into the view of the committee."¹ Not having sufficient material for elucidating fully these points and the situation admitting of no delay, he proposed in a schedule such articles of regulation as were likely to occasion the least difficulty. The propositions of 1783 having been generally approved by the several States in some form or other, he made them the basis of what he called a "temporary system." He thought that some deviation from the scale of duties then affixed was required by the changes in public circumstances, but he recommended a general adherence to the plan.² Boudinot, of New Jersey, concurred in the proposition, and White, Madison, and Parker favored the motion of the first-named that the blanks should be filled at a later day.³

A national revenue without oppression.

Commerce should be free as the policy of nations will admit. The system of 1783.

On the next day discussion in its proper sense began. The plan suggested was for *ad valorem* duties on some articles, but Lawrence, of New York, advocated such duties on all.⁴ Fitzsimons, of Pennsylvania, said that he had extended his views further than the gentlemen who had spoken and a temporary system. He offered a resolution to embrace his views in favor of enumerated articles, and which included a large and varied list of articles of drink, food, clothing, house-building, vehicles, etc. Among these, he observed, were some calculated to encourage the productions of our

¹ Gales and Seaton's Annals of First Congress, First Session, p. 102.

² Ibid., p. 103.

³ Ibid., p. 104.

⁴ Ibid., p. 105.

country and protect our infant manufactures, besides others tending to operate as sumptuary restrictions upon articles that are often termed those of luxury.¹ Here was a line of division drawn by a Pennsylvania hand. Madison had proposed revenue as the object; Fitzsimons now suggested protection. Madison had favored a temporary system comprising a few enumerated articles; Fitzsimons now advocated a permanent system and a great list of articles of necessity as well as of luxury. The conflict that has not yet ceased, that probably never will cease, then began,—the conflict of special *versus* general interests, of ideas with illusions. White, of Virginia, opposed making too minute an inquiry, and thought that the House should take in only the most material and productive articles, leaving the others for another occasion.² Tucker, of South Carolina, remarked the absence of all members south of Virginia except himself, and on that account desired delay. But he said he was willing to go as far as a temporary *ad valorem* impost and a duty on the enumerated articles of the Congress of 1783.³ Tonnage duty was a subject requiring, in his judgment, deliberation and full representation. On the other hand, Hartley, like Fitzsimons, wished to go into the business on as broad a bottom of protection for domestic manufactures as was practicable.⁴ Madison thought from what had been said that there was a disposition to go further than was necessary. It was his view to restrain the first essay on the subject to the object of revenue and make that a temporary expedient. He wished for further information on the state of our manufactures.⁵ Agreeing with Tucker, that the sentiments of gentlemen from different sections should be regarded, he argued that we should limit our considerations on this head by the general interests of the Union. Mr. Madison continued: "Gentlemen will be pleased to recollect that those parts of the Union which

Fitzsimons's
enumerated ar-
ticles. Germ of
the protective
policy.

¹ Gales and Seaton's Annals of First Congress, First Session, p. 106.

² Ibid., p. 107.

⁴ Ibid., p. 109.

³ Ibid., p. 108.

⁵ Ibid., p. 110.

contribute more under the system than the others are also those parts more thinly planted and consequently stand most in need of national protection; therefore they will have less reason to complain of unequal burdens. There is another consideration: the States that are most advanced in population and ripe for manufactures ought to have their particular interests attended to in some degree. While these States retained the power of making regulations of trade they had the power to protect and cherish such institutions; by adopting the present Constitution they have thrown the exercise of their power into other hands. They must have done this with an expectation that these interests would not be neglected here.”¹ His general principle, as expressed in his own language, was, “that commerce ought to be free, and labor and industry left at large to find its proper object.” But, he continued, there were “exceptions important in themselves. If America was to leave her ports perfectly free and make no discrimination, it is obvious that such policy would go to exclude American shipping altogether from foreign ports and she would be materially affected in one of her most important interests. To this we may add another consideration, that by encouraging the means of transporting our productions with facility we encourage the raising them; and this object, I apprehend, is likely to be kept in view by the general government.”² Again: “There may be some manufactures which, being once formed, can advance towards perfection without any adventitious aid, while others, for want of the fostering hand of government, will be unable to go on at all.” He did not think that any great national advantage arose from sumptuary prohibitions.³ Embargoes in time of war were another exception. He observed that there might be some truth in the remark that each nation should have within itself the means of defence, but he was well persuaded that

Madison's principle of discrimination.

¹ Gales and Seaton's *Annals of First Congress*, First Session, p. 111.

² *Ibid.*, p. 112.

³ *Ibid.*, p. 113.

the reasoning on this subject had been carried too far. Madison did not object to Fitzsimons's propositions, he said, "because so far as we can enumerate the proper objects and apply specific duties to them we conform to the practice prevailing in many of the States and adopt the most laudable method of collecting revenue; at least preferable to laying a general tax."¹ But he thought that the protecting of domestic manufactures ought not to be "too confusedly blended" with the raising of revenue.² Boudinot favored specific duties, but was willing to wait.³ The committee added Fitzsimons's list to that proposed by Madison. The enumeration was for the purpose of placing a higher duty than was borne by articles left in the common mass.

In this first tariff debate it is to be noticed that the Northern members who spoke had advocated as full a protection as possible for manufactures, that a Southern member had asked only for delay, while Mr. Madison had broached the doctrine of a tariff for revenue with incidental protection as far as practicable. The position of the latter was most carefully defined. It was an adaptation of the principle of free trade to practical legislation. Protection was not to be "too confusedly blended" with the prime object, which was the raising of revenue. There was to be no protection for the sake of protection and no disguise of protection under the name of revenue.

On the 11th of April, Smith, of Maryland, presented a petition from the tradesmen, manufacturers, and others of Baltimore, setting forth the decline of trading and manufacturing interests in the country, and asking relief from "the supreme legislature of the United States as the guardians of the whole empire."⁴ The question of how to proceed with the subject of the revenue was then debated. Lee proposed to go on seriatim

How the sections were aligned in the first tariff debate.

¹ Gales and Seaton's Annals of First Congress, First Session, p. 114.

² Ibid.

³ Ibid.

⁴ Ibid., p. 115. This first petition on the subject was referred to the committee of the whole.

with the articles.¹ Goodhue, of Massachusetts, got the committee to agree to lay a duty on anchors of one hundred and twelve pounds, every dozen of wool cards, wrought tin-ware, every box of lemons, and every barrel of limes.² Boudinot suggested that until a general plan could be devised, officers should be appointed to collect the impost and protecting duties in the manner and under the penalties directed by the laws of the proper State. Where there were no revenue laws, he would have the laws of the adjoining State adopted.³ Bland and Lee agreed with Boudinot that there was not sufficient information for the creation of a permanent system. After further discussion the proposition of Madison to appoint a committee to prepare a bill to regulate the mode of collecting duties on imports and tonnage was agreed to. Meantime, the discussion on the articles continued.⁴ Sherman proposed fifteen cents a gallon on rum. Smith thought that ten cents was enough. The first debate over any article was over this, and if it was not as pungent as the subject, the fault was not the speakers'. It was resumed on the 14th of April, when it was largely connected with molasses, rum's principal ingredient. Lawrence, of New York, favored a rum duty of twelve cents, urging the danger of a loss of revenue.⁵ Fitzsimons and Madison sustained Sherman and fifteen cents. The committee decided to put Jamaica rum at that rate.⁶ Madison then proposed a duty of eight cents on molasses, which was resisted by the New England, New York, and New Jersey representatives. Ames, Thacher, Goodhue, Lawrence, and Boudinot spoke for lower rates, and finally the duty was fixed at six cents.⁷ After some discussion Madeira wine, a common article of import, was rated at thirty-three and one-third cents a gallon by a vote of twenty-one to nineteen.

A committee
appointed.

Rum the first
article dis-
cussed.

Molasses.

¹ Gales and Seaton's Annals of First Congress, First Session, p. 116.

² Ibid.

³ Ibid., p. 119.

⁴ Ibid., p. 120.

⁵ Ibid., p. 125.

⁶ Ibid., p. 128.

⁷ Ibid., pp. 128-133.

All other wines were placed at twenty cents.¹ The committee agreed to tax common sugar one cent per pound; coffee, two and one-half cents on the pound. Wines. Sugar. After some consideration, action upon tea was deferred.²

On the day following, on the motion to insert beer, ale, and porter in the list of dutiable articles, Fitzsimons said, "If the morals of the people were to be improved by what entered into their diet, it would be prudent in the national

legislature to encourage the manufacture of malt liquors." ^{Malt liquors.} ³ He moved a duty of nine cents per gallon, and was seconded by Lawrence, who urged the consideration that it would tend also to encourage agriculture. But Smith, of Maryland, opposed what he called the high duties contemplated by some members, and Gale thought that the proposed duty would prohibit importations and defeat the purpose of revenue, while giving some brewers a monopoly.⁴ Madison and the House concurred to some extent with these latter views, for on his motion a duty of eight cents was agreed to.⁵ The committee struck out the articles beef, pork, and butter.⁶ Fitzsimons advocated and Tucker, of South Carolina, opposed a duty of two cents the pound on candles, the former because Pennsylvania no longer imported the article from England or Ireland, and the latter for the reason that South Carolina did import it. Tucker said that,

Candles.
Pennsylvania
and South Carolina.

so far as the enumeration went, the impost would bear unequally upon South Carolina.⁷

Boudinot and Lawrence favored the duty, the latter urging "that if candles were an object of considerable importation, they ought to be taxed for the sake of obtaining revenue, and if they were not imported in considerable quantity the burden upon the consumer would

¹ Gales and Seaton's Annals of First Congress, First Session, p. 141.

² Ibid., p. 142.

³ Ibid., p. 144.

⁴ Ibid.

⁵ Ibid., p. 145. Beer, ale, and porter in bottles, twenty-five cents per dozen.

⁶ Ibid., p. 146.

⁷ Ibid.

be small, while it tended to cherish a valuable manufacture." The motion prevailed.¹

It would be tedious to review the full list. Cheese was dutied at four cents; soap at two cents. Boots were rated at fifty cents a pair; shoes at ten cents a pair, without any debate.²

The manufacture of steel was described by Pennsylvania speakers as in its infancy, but likely to emancipate the country from the control exercised by foreign Steel. manufacturers. It had, however, been attended by considerable success. The materials necessary to make the article were the product of almost every State in the Union. Fitzsimons thought that five shillings per hundred-weight would not be oppressive.³ Madison said that instead of selecting this article to be the object of encouragement for manufacture and not for revenue, it would be more proper, as suggested by the gentleman from South Carolina, Mr. Tucker, to give a bounty on the importation. It was so materially connected with the improvement of agriculture and other manufactures that he questioned its propriety, even on that score. He proposed to place the article on the *ad valorem* list at five per cent. duty.⁴ Tucker described the state of South Carolina as one of debt, with prices of products falling. Rice and indigo were too low to be cultivated by many of the planters. He called for the exercise of liberality and moderation. Fitzsimons, in reply, said he would have gentlemen get rid of local considerations. He seemed little disposed, however, Local considerations. himself to be guided by his precept where Pennsylvania was concerned. One of his arguments was that the negroes of South Carolina did not consume as much as the white inhabitants of the Eastern States, an argument we shall meet with very often as we progress. Lee's motion to strike out was not carried, and Boudinot's motion to fill the blank with fifty-six cents per one hundred

¹ Gales and Seaton's Annals of First Congress, First Session, p. 147.

² Ibid.

³ Ibid.

⁴ Ibid., p. 148.

and twelve pounds was adopted rather than Fitzsimons's for a duty of sixty-six.¹

The next subject affording a division on sectional lines was the duty on hemp, proposed by Mr. Madison on the 15th of April and debated on that and the succeeding day. The contest was between the
 Hemp. Another division on sectional lines.

ship-building and the agricultural interests. Madison had moved to levy a duty on hemp as well as cordage, although opposed to the former,² and Moore, of Pennsylvania, had declared that the Southern States were well calculated for the cultivation of hemp. The New England view was a duty of forty cents to encourage the importation of raw material and manufacture of cordage, the other favored seventy-five cents, and the committee of the whole accepted Madison's compromise proposition, which was fifty cents.³ Other ship-building materials were considered, as nails, spikes, tacks, and brads. Madison conceived that this tax would increase the price of ship-building, Bland that it would bear unequally upon the Southern States; but Goodhue and Ames spoke of the importance to which the manufacture of nails had attained.⁴ From what had been said of the small expense and great facility for the manufacture, Tucker judged that the industry stood in no want of protection. Ames combated this argument, and was among the first to proclaim in the halls of Congress the naked doctrine of force as necessary to build up American manufactures. "The commerce of America," he averred, "particularly the Southern parts, had by the force of habit and English connections been setting strong upon the British coasts. It required," he contended, "the aid of the general government to divert it to a more natural course. Good policy and sound wisdom demonstrated the propriety of an interchange between the different States in the Union. To

¹ Gales and Seaton's *Annals of First Congress*, First Session, pp. 147, 149.

² *Ibid.*

³ *Ibid.*, pp. 152-156.

⁴ *Ibid.*

procure this political good, some force was necessary.”¹ Fitzsimons, who was so active on the subject of steel, declared that he was not very solicitous as to this duty. Finally, nails and spikes were taxed one cent per pound, but tacks and brads were stricken out.²

But if New England had appealed to legislative force to establish a theory of revenue, which, however, as a whole she was not yet prepared and was not for many years to be prepared to adopt, other parts of the country were to excite alarms of a different nature. Southern members generally opposed a duty on salt as oppressive, and Burke, Tucker, and Smith were joined by Scott and

Alarms.

Moore, of Pennsylvania. Scott said “the duty was bad policy and might go nigh to wreck the government.” He declared he had reasons of a political nature to support his opinion.³ Smith, of Maryland, also, but more guardedly, alluded to “the shoals of discontent.” Interior South Carolina was believed, he said, to be “opposed to the new government.”⁴ On a subsequent day Lawrence and Madison advanced the argument in favor of the duty that the Western people, paying less tax on other articles, should make up the deficiency on this one. Madison said he would make the duty moderate, however. Huntington expressed similar views, but White and others referred to the “delicacy” of the situation and opposed any tax on salt.⁵ After a speech by Fitzsimons, in which he affirmed that gentlemen had not proved that the proposed measure was founded on injustice, but the contrary position had been established, the committee agreed to six cents, with a drawback on fish and salted provisions.⁶ In this debate the alarmists were from the Western districts and from Southern States not affected by the duty.

It were a tedious task to notice all the work of a legislative body in originating a measure of this kind. The

¹ Gales and Seaton's Annals of First Congress, First Session, p. 157.

² Ibid., p. 158.

³ Ibid., p. 159.

⁴ Ibid., p. 160.

⁵ Ibid., p. 165.

⁶ Ibid., p. 167.

members from the several States either sought aid for new manufactures or resisted as oppressive that claimed by others. But there was more concession than upon any revenue plan afterward which called for any considerable debate. Window-glass at ten per cent. *ad valorem* was inserted to please Carroll and the State of Maryland; paper, of which Clymer stated that Pennsylvania produced annually seventy thousand reams, to encourage that commonwealth was awarded a duty of seven and one-half per cent. *ad valorem*, and the same rate without discussion was agreed to on the following articles: Canes, whips, ready-made clothing, gold, silver, and plated ware, jewelry and paste work; also upon cabinet work, metal buttons, saddles, leather gloves, beaver, fur, wool, or mixed hats, millinery, leather, iron castings, slit or rolled iron. Anchors and wrought tin-ware were added at the rate of seven and one-half per cent. Certain tropical fruits and nuts were stricken out of the bill. Fifteen per cent. on coaches and carriages; fifty per cent. on wool cards; fifty cents on every quintal of fish, were some of the duties.¹ After opposition by Madison and supporting speeches by Fitzsimons, Goodhue, and Boudinot, Fitzsimons's motion to tax all teas imported from China and India in ships built in the United States and belonging wholly to citizens thereof according to the following rates passed: bohea, six cents per pound; souchong and other black teas, ten cents; superior green, twenty cents; all others, ten; such teas imported from any other country or from China and India in ships not the property of citizens of the United States, bohea, ten; souchong, etc., fifteen; superior green, thirty; all others, eighteen.² Bland and Parker, of Virginia, favored a duty of three cents per bushel on coal to protect the Virginia collieries, which was opposed by Hartley, of Pennsylvania,

The spirit of
concession.

Miscellaneous
articles.

Coal.
Virginia and
Pennsylvania
antagonized.

¹ Gales and Seaton's Annals of First Congress, First Session, pp. 167, 168.

² Ibid., pp. 168-170. The bill as enacted contained several changes.

who thought one cent was sufficient duty, as coal was used largely in manufactures. The committee adopted three cents.¹

On the commercial part of the system, the Massachusetts members having gone to meet Vice-President Adams, their absence was urged as a reason why action should be deferred until their return. But when three full delegations from the Southern States, except one member, had been detained at the beginning of the session, this fact did not deter those who wished to benefit manufactures from proceeding, although a request that no extreme action should be taken had been made by the single representative present from the States south of Virginia.

On the 21st of April the question of discrimination in favor of American shipping was considered. The cognate question of discrimination in favor of friendly and treaty nations was also raised. The first proposition was for a six per cent. duty per ton on vessels built in the United States and owned by citizens of the same and all foreign-built vessels owned by citizens of this country. Both propositions were adopted, the latter after it had been ably advocated by Madison, Fitzsimons, and Baldwin. The policy was opposed by Benson, Sherman, and Lawrence.² The tonnage was fixed at thirty cents on vessels belonging to friendly and fifty cents on those owned wholly or in part by the subjects of other powers.³

Complaint that the duties as agreed to were too high came from New York, New Jersey, Georgia, and South Carolina. Some of the criticisms referred only to particular articles; others, as Boudinot's, to the whole system.⁴ Lawrence endorsed the latter's argument that a high duty on rum and other spirits and wines instead of elevating morals would lower them by promoting smuggling; and he favored, with Tucker, Jackson, and

April 21.
Discrimination
in favor of
American ship-
ping.

Complaints of
high duties.

¹ *Gales and Seaton's Annals of First Congress, First Session*, p. 170.

² *Ibid.*, pp. 176-191.

³ *Ibid.*, p. 191.

⁴ *Ibid.*, pp. 192-195.

many others, a reduction of the duties.¹ This was opposed by Fitzsimons and Lee.² Madison admitted that high duties had a tendency to promote smuggling, but he thought that Madeira wines could bear the duty imposed. Boudinot's motion to reduce the rum duty to twelve cents was lost. The discussion on the following day took a turn favorable to discrimination in favor of friendly nations, the proposition before the House having been to give French brandy the preference over rum.³ Madison led in favor of discrimination and was opposed by Lowrie. Fitzsimons advocated a small discrimination only. The result was that the duty on all spirits, Jamaica proof, imported from nations in alliance should be twelve cents; on all other spirits from the same nations, ten cents; on Madeira wine the duty was reduced from thirty-three and one-third to twenty-five cents, and on all other wines from twenty-five to fifteen.⁴ Shoes were reduced, on Ames's motion, from ten to seven cents. A principle of the action on this measure of revenue is discerned in a remark of Madison's. He said, in reply to Fitzsimons's proposition to increase the duty on cables and cordage from fifty cents to one dollar, because the duty was fifty cents on hemp, that "it had been discussed in the committee and it was then determined to be as necessary to promote agriculture as manufactures." The House decided finally upon Madison's compromise at seventy-five cents.⁵

The great source of disagreement and a more obvious cause of sectional alignment than the duties on rum and molasses. Sectional policy. hemp and cordage was the joint subject of rum and molasses. At that time the making of and traffic in rum was the chief industry of New England. The thrifty mind in that quarter of the world was still directed at intervals, as in the days of the first settlers, to the moral

¹ Gales and Seaton's *Annals of First Congress*, First Session, pp. 194, 195, 197. Tucker advocated a reduction on rum to eight cents.

² *Ibid.*, pp. 196, 198.

³ *Ibid.*, p. 200 *et seq.*

⁴ *Ibid.*, p. 207.

⁵ *Ibid.* The subject was out of committee of the whole and before the House.

and spiritual welfare, or, rather, lack of the same, in the surrounding communities; but its daily bent of godliness was toward provision for the elect in those temporal affairs so essential if existence was to be prolonged. Molasses was an article of food or drink in two ways: it was eaten or drunk with coffee or tea, and it was distilled into spirits and used or exported. In the progress of the House the duty had not yet been decided upon, because the Massachusetts members, who were principally interested, had obtained a postponement in order to enable them to procure information. Mr. Goodhue now said that they had been unsuccessful. He and his colleague, Gerry, supported a low duty, in the interest, as they maintained, of the poorer class of consumers. But Jackson, of Georgia, argued that it would especially enure in favor of New England rum.¹ The debate, continued on the following day, became very animated. The New England argument was re-stated by Wadsworth. It was in brief that fisheries depended on the molasses imported, as fish were exchangeable in the French West Indies only for rum and molasses.² The proposed duty was six cents. The New England members sought by various arguments to have it reduced. Thacher said, "What would be the opinion of gentlemen from Virginia if a member was to propose a duty on rye, apples, and peaches equal to six cents, and urge as a reason that it was necessary in order to keep up the ratio between whiskey and Jamaica spirits?" Again: "Suppose a member from Massachusetts was to propose an impost on negroes, what would you hear from Southern gentlemen if fifty dollars was the sum to be laid?" He declared that this was not more than the proportion proposed to be laid on molasses. As to the pernicious effects of New England rum, he held that there was no comparison with negro slavery: that is to say, the rum was so much less injurious, morally and industrially, than the

A question of relative morality.

¹ Gales and Seaton's Annals of First Congress, First Session, pp. 209-213.

² Ibid., p. 214.

other—if the reader may infer this, the obvious bearing of his language.¹ Ames boldly put his argument on the ground of protecting a New England manufacture, and placed this manufacture on an equality with all others. “We are not to consider ourselves while here,” he asserted, “as at church or school to listen to the harangues of speculative piety.”² Mr. Ames indulged also in a little threatening: “The language of complaint will circulate universally and change the favorable opinion now entertained to dislike and clamor.”³ This was an offset to the Western Pennsylvania and Southern alarms, uttered when the salt duty was under consideration.

Madison appears to have replied to both Thacher and Ames. To the former, waiving consideration of the language Thacher had just used, Madison declared that the duty on molasses would no more burden the East than that on sugar would the South.⁴ In answer to the last remark of Ames, he asked if the Northern people “were made of finer clay . . . were they the chosen few?” He trusted that the general government would “equally affect all.”⁵ Fitzsimons ridiculed the contention of the New England members that the tax would ruin their commerce. “It is a tax,” he said, “of not quite three-quarters of a dollar per man.”⁶ The New England argument was met by Jackson by one of the same kind. “What,” he inquired, “is to become of the lumber of Georgia? We are obliged to take rum in the West Indies in exchange for our lumber, upon which rum fifteen cents a gallon duty is imposed. The gentlemen are not for reducing this.”⁷

The House refused to strike out six cents, but agreed to Fitzsimons’s motion, which had been rejected in the committee of the whole, to provide three cents per gallon drawback on exported rum distilled in the United States. On the 8th of May the House was

¹ Gales and Seaton’s Annals of First Congress, First Session, p. 215.

² Ibid., p. 222.

³ Ibid., p. 225.

⁴ Ibid., p. 218.

⁵ Ibid., p. 227.

⁶ Ibid., p. 228.

⁷ Ibid., p. 230.

again in committee, a bill having been reported.¹ Tucker proposed to the members from Massachusetts a general reduction if they deemed that the molasses duty as agreed upon bore too heavily upon their State, and he thought that five per cent. *ad valorem* would raise sufficient revenue and afford sufficient protection to manufactures.² To make a test he moved to reduce the duty on distilled spirits six cents per gallon, and was seconded by Jackson. Ames also advocated reduction and instanced the impossibility of preventing illicit trade where high taxes were imposed, even in countries having more experience and a "more nervous executive." He asked how they expected to raise forty per cent. in the first instance.³ Madison deprecated ably and temperately the proposed reduction, contending that the rates agreed on in committee were reasonable and necessary if it was desired to avoid laying excises and direct taxes, which no gentleman proposed.⁴ The debate showed that Georgia and South Carolina were joined by Massachusetts and a part of Virginia in wishing to retain the old system of a few enumerated articles and a general duty of five per cent.⁵ Bland's expectation of raising thirteen millions revenue out of the system was thought by Fitzsimons to be too high. The argument that a high duty would not produce greater revenue was advanced by several speakers, and Ames contended for duties so low as to prevent smuggling and at the same time raise a larger revenue.⁶ Jackson conceded that revenue had nothing to do with the morals of a people.⁷ Lawrence advocated low duties, but Goodhue would reduce but slightly. Madison said that the duties had been imposed to favor the interests of New England manufactures.⁸ The House refused to

May 8.
Tucker's proposition for a general reduction to five per cent.

¹ A committee of three to prepare a bill had been appointed on the 28th of April.—Gales and Seaton's Annals of First Congress, First Session, p. 231.

² Ibid., p. 295.

³ Ibid., p. 298.

⁴ Ibid., pp. 300-303.

⁵ Ibid., p. 303.

⁶ Ibid., pp. 308, 310, 312.

⁷ Ibid., p. 314.

⁸ Ibid., p. 315.

strike out the duty of twelve cents on all spirits Jamaica proof.¹ The New England members, while insisting upon a reduction on molasses, were, with one or two exceptions, not much disposed to press for a general reduction.² Madison, in reply to their arguments, said that a tax on molasses would not be more unpopular than one on salt, yet the committee did not forego a productive fund because the article was a necessary of life and in general consumption. He thought that the citizens of the Southern States had more right to complain of the oppressions of government than others, if there was the disposition to do so that had been represented. The system could only be acceptable to them, he declared, because it was essentially necessary to be adopted for the public good.³

Molasses
reduced.

The committee substituted five for six cents as the duty on molasses, and here the matter rested.

On May 4 the subject of tonnage and discrimination in favor of Americans and friendly nations was resumed in the House. New York and New England were opposed to, the South and Pennsylvania in favor of the duty. Madison led the affirmative side, Lawrence the negative. Jackson favored a moderate duty. The duty was sustained by the argument that it was necessary for national security.⁴ Fitzsimons showed that two-thirds of the tonnage was American.⁵ Against the argument that Great Britain would make reprisals, Madison retorted that she could not, because she used American tobacco, not one-tenth of which she herself consumed.⁶ Southern members enlarged on the dangers of high tonnage to their section: the reply was that the retention of the duty was necessary as an encouragement of American navigation.⁷ Burke, of South Caro-

Discrimination
in favor of
Americans and
friendly na-
tions.

¹ Gales and Seaton's Annals of First Congress, First Session, p. 318.

² Ibid., p. 324 *et seq.*

⁴ Ibid., p. 237.

⁶ Ibid., p. 246.

³ Ibid., p. 331.

⁵ Ibid., p. 240.

⁷ Ibid., pp. 251-253.

lina, denied that the South was jealous of New England shipping. He believed that the citizens generally of the Southern States looked with indignation at the powers which foreigners had over their commerce.¹ Nevertheless, the South spoke for low tonnage. The discussion continued on the 5th, 6th, and 7th of May. Upon the motion of Smith to reduce tonnage on vessels of foreign countries in alliance with the United States from thirty to twenty cents, South Carolina and Georgia advocated and Northern speakers opposed the proposition. After a long debate the House refused to reduce.² On the 7th of May South Carolina urged and Pennsylvania resisted the reduction of tonnage on foreign-owned vessels. Madison proposed to reduce from fifty to forty cents and to increase to seventy-five cents at the end of two years, which Tucker feared was too short a time.³ It was in this debate that Burke said that the people of South Carolina, although rich in lands and servants, were "universally in debt."⁴ Madison was very happy to find that differences on the question were not prescribed by the geographical situation of the country.⁵ The proposition of Madison having been rejected, the original proposition was agreed to.⁶ On the same day a committee consisting of three members was appointed to report a bill or bills on the subject of tonnage.

The South for
low tonnage.
The House re-
fuses to reduce.

When the revenue measure was again before the House, and on May 13, China and earthenware, brushes and looking-glasses, were added at seven and one-half per cent. But a more important article was to form the leading topic of the day's debate.⁷ Parker, of Virginia, moved to insert a clause imposing a duty of ten dollars on each slave imported, that gave rise to a discussion, the

May 13.

A Virginian
proposes to
tax imported
slaves.

¹ Gales and Seaton's Annals of First Congress, First Session, p. 256.

² Ibid., p. 281.

³ Ibid., p. 282 *et seq.*

⁴ Ibid., p. 285.

⁵ Ibid.

⁶ Ibid., p. 290.

⁷ Ibid., p. 336.

heads of which are to be found in another volume.¹ The motion was finally withdrawn.²

The tariff bill was ordered to engrossment and third reading on the 14th of May. A drawback of ten per cent. on all goods imported in American vessels owned and navigated according to law by citizens of the United States had been allowed.³ The bill was again in committee on the following day, when it was amended and reported. There was an elaborate debate in the House on the 15th and 16th of May upon a motion by Madison to limit the time of the continuance of the measure. A bare outline may not give a definite idea of this discussion; but as it shows the general notion of the time on the subject, and as their action was to be cited afterwards as a precedent, it is deemed best to state the more general facts. Ames doubted the propriety of the motion. Fitzsimons did not know whether he wished a term of years or a general declaration that the act should continue during the public wants.⁴ Lee desired three or five years as the limit; White thought that the Constitution limited revenue as well as appropriation bills to two years; Livermore favored a short limit; Sinnickson, Boudinot, Lawrence, and Ames contended that it would injure public credit;⁵ Madison pointed out the danger that the President and one-third of either house could defeat a repeal, however necessary;⁶ Gerry argued that one or two years was enough;⁷ Huntington that seven or ten would be, and Bland, Smith, and Page favored the motion to limit the continuance. Fitzsimons said that the noise made over the public credit tended to lower it.⁸ Having modified his original proposition, Madison moved that the act should not continue in force after the — day of —, unless otherwise provided in the act for the appropriation

¹ Chapter on Slavery before 1820.

² Gales and Seaton's *Annals of First Congress*, First Session, p. 342.

³ *Ibid.*, p. 343.

⁴ *Ibid.*, p. 344.

⁵ *Ibid.*, pp. 346-348, 354.

⁶ *Ibid.*, p. 347.

⁷ *Ibid.*, pp. 349-351, 354.

⁸ *Ibid.*, p. 365.

of the revenue.¹ On a division of the question the exception was not adopted, but the first part was carried by a vote of forty-one to eight. The blank was filled with June 1, 1796. The bill then passed the House.²

The tariff bill passes the House.

On the 18th of May the tariff bill was read in the Senate, and considered on the 25th, 28th, and 29th of May and on June 1-5 and 8. On the latter day a committee was appointed, consisting of Ellsworth, Morris, Lee, Butler, and Dalton, to consider and report upon the expediency of adding a clause prohibiting the importation of goods from India or China in ships or vessels other than those belonging to citizens of the United States. The bill was further discussed on the 10th and 11th of June, on the latter of which days the measure was concurred in with amendments.³

May 18-June 8.
In the Senate.

June 10, 11.
Bill amended
in the Senate.

¹ Gales and Seaton's *Annals of First Congress*, First Session, p. 364.

² *Ibid.*, p. 366.

³ *Ibid.*, pp. 38, 45, 46. For the Senate debates in outline see Senator Maclay's *Private Journal for May, 1789*, edited by his son. Maclay was a busy protectionist who thought that he foresaw that if Pennsylvania would let molasses in at a low rate the New England States would allow stiff rates of duty on other things. Lee and Grayson, of Virginia, he says, were opposed to the whole plan of the bill, and the former wished for an excise in place of a customs tax. Maclay complains of the late date at which the bill was introduced. He wanted a large number of articles raised from seven and one-half per cent., because the duty under Pennsylvania protection had been twelve, and he feared that it would afford ground to the opposers of the impost to secure a reduction all around.—*Private Journal*, June 2.

"I was, as usual, opposed by the Southern people. Before I rose I spoke to Mr. Morris [Pennsylvania] to rise and move an augmentation. He said 'No.' Mr. Few, of Georgia, asserted that the manufacturers of Pennsylvania would be better off under the seven and one-half than they had been under the twelve and one-half per cent. Mr. Morris got up and asserted the same thing. I declare I could not believe either one of them." He says, however, that Morris stated that paper manufacture was in the most flourishing condition imaginable in Pennsylvania.—*Ibid.*

In his entry for June 11, 1789, the tariff being under discussion and drawbacks being the item before the Senate, Maclay says that Izard and

The House on the 16th of June agreed to certain Senate amendments, one of which was to add a duty of three cents a pound on cotton; another was to strike out the drawback of five cents on spirits distilled from molasses in the United States and exported. The Senate extended the discount of ten per cent. on imported goods in vessels built and owned to goods imported in vessels not built but owned in the United States on the 16th of May last and so continued until the time of importation.¹ On the 23d of June, after debate, the House refused by a majority of two to concur in striking out the discriminating clause in favor of treaty nations, and on the following day a committee of conference was ordered.²

The attendance upon this committee broke the session of the House for one day.³ The debate on the 27th showed that the advocates of discrimination were weakening. A motion to agree with the Senate was lost by one majority.⁴ Finally, on July 1, after a further conference, the Senate still insisting on its amendment, the House yielded by a vote of concurrence of thirty-one to

Butler, of South Carolina, opposed all drawbacks whatever. "Butler flamed away and threatened a dissolution of the Union with regard to his State 'as sure as God was in the firmament.' He scattered his remarks over the whole impost bill, calling it partial, oppressive, etc., and solely calculated to oppress South Carolina, and yet ever and anon declaring how clear of local views he was. He degenerated into mere declamation." Again this quaint old Democratic chronicler proceeds to exploit local views: "The Senators from New Jersey, Pennsylvania, Delaware, and Maryland in every act seemed desirous of making the impost productive both as to revenue and effective for the encouragement of manufactures, and seemed to consider the whole of the imposts (salt excepted) much too low. Articles of luxury many of them would have raised one-half. But the members from the North, and still more particularly from the South, were ever in a flame when any articles were brought forward that were in any considerable use among them."—*Ibid.*

While there is much prejudice in Maclay's Private Journal, it throws light on obscure places in our history, and is very interesting reading.

¹ Gales and Seaton's Annals of First Congress, First Session, p. 455.

² *Ibid.*, pp. 590, 591.

³ *Ibid.*, p. 607. June 26.

⁴ *Ibid.*, p. 610.

nineteen. The vote was not sectional, and Madison stood out to the last in favor of his discriminating policy.¹ The President signed the bill on the 4th of July, and thus was perfected the first tariff measure of the United States.

On April 21, as we have seen, the question of tonnage had arisen.² It was considered in committee of the whole on May 18; the bill was read a second time in the House and recommitted on the 26th of May, and was debated and amended on the succeeding day and further discussed at other sittings. The question of discrimination entered largely into these discussions. A committee was appointed on June 13 to prepare a new bill.³ Such a measure was reported on the 29th of June. After a long debate amendments were reported, and the bill passed on the 31st of July.⁴ It was amended by the Senate, but the House agreed to these amendments.⁵ A bill for registering coast trade vessels also passed at this session, and the session was not without other legislation touching the revenue.⁶

The first Ways and Means Committee was appointed on July 27 on motion of Fitzsimons. It consisted of Fitzsimons, Vining, Livermore, Cadwalader, Lawrence, Wadsworth, Jackson, Smith, of Maryland, Smith, of South Carolina, and Madison. As the revenue bill had passed, its first duty was to prepare estimates of supplies for the service of the United States—otherwise the appropriation bill for the current year.⁷

At the second session of the First Congress a number of measures on the subject of the revenue engage our attention. The memorials and report upon slave importations are treated of under the head of slavery in another chapter. An additional revenue bill was proposed, with

April 21.
Tonnage.

June 13, 29;
July 31.

The first Ways
and Means
Committee.

¹ Gales and Seaton's Annals of First Congress, First Session, p. 610.

² Ibid., pp. 176-191. A bill was introduced on that day.

³ Ibid., pp. 367, 409, 410, 418-420, 451, 453.

⁴ Ibid., pp. 611, 619, 621, 673.

⁵ Ibid., p. 892.

⁶ Ibid., pp. 676, 795, 912.

⁷ Ibid., p. 670.

duties chiefly on wines and spirits.¹ It was lost after an extended debate.²

The President having called the attention of Congress to the subject, Sherman observed that the proposition in the federal convention to found a national university to promote science and literature was negatived because it was thought to be sufficient that the States should exercise the power. Page favored discussing the matter, and if it was found not to be constitutional he was for proposing an amendment to make it so.³ The subject was, however, dropped.

The topic of duties on foreign tonnage, one of the most disputed points of that era, again arose for debate on the 10th of May. It was upon a report on a petition from New Hampshire, asking an increase of the duties on foreign shipping. Smith complained that this would be unjust to South Carolina.⁴ While he was disposed to encourage navigation and ship-building, he would not do so at the expense of agricultural interests. South Carolina was bound to employ foreign shipping. The New England or navigating States paid six cents on their vessels, while the foreign vessels paid fifty cents. He contended that this discrimination was great enough. Besides, he continued, time enough had not elapsed to see the effects of previous legislation. Jackson, of Georgia, also opposed doubling the duty.⁵ The argument on the other side was conducted by Goodhue and Sherman, from New England, and Williamson, of North Carolina.⁶ The debate was continued on the 11th, 12th, and 14th of May. Madison brought in his hobby of discrimination, and Fitzsimons changed his position in regard

¹ Gales and Seaton's Annals of First Congress, First Session, pp. 1548, 1551.

² Considered in committee of the whole June 8, 9, 11, 14, 18, 21. It repealed some duties and levied others. The vote was, ayes, 23; noes, 35. —Ibid., pp. 1634-1643.

³ Ibid., p. 1551.

⁴ Ibid., p. 1558.

⁵ Ibid., p. 1562.

⁶ Ibid., p. 1560.

to the policy, opposing it. The resolution was amended. Madison and other Virginia members advocated discrimination against Great Britain; Northern and South Carolina and Georgia representatives opposed. The House decided to raise the tonnage on foreign-built vessels from countries not in commercial treaty with the United States to one dollar, and not to permit such vessels to export unmanufactured articles, the growth of this country, from the United States. But there was a provision in favor of vessels of nations which permitted the importation of fish, salted provisions, grain, and lumber in United States vessels.¹ A bill in accordance with these principles was prepared by Madison, Sedgwick, and Hartley, the special committee on the subject, was debated June 21. two days, and passed on the 24th of June.²

A bill to provide a discriminating duty on foreign tonnage was discussed in committee of the whole on the 25th, the 29th, and 30th of June.³ Finally, after two of his propositions had been modified and the remaining clauses disagreed to, Madison gave up the contest for the principle of discrimination and substituted for the propositions which enforced it two provisions for reciprocity. Their purpose was to meet such regulations of foreign countries as were inimical to the United States with counter regulations. Jackson opposed even this, but it was carried in committee. A bill for the collection of duties was reported in the House on July 8. After debate, it passed the House on the 17th of July.⁴

Madison gives up the contest for discrimination and advocates a reciprocity measure.

Bills from the House imposing duties on tonnage and to amend the tonnage bill passed the Senate July 12 and 27.⁵

A proposition to extend aid in the form of a loan of eight thousand dollars to a Maryland glass manufacturer was reported favorably, but was rejected by the House at

¹ Gales and Seaton's Annals of First Congress, First Session, p. 1581.

² Ibid., pp. 1581, 1647.

³ Ibid., pp. 1653, 1655, 1657.

⁴ Ibid., pp. 1673, 1681, 1683.

⁵ Ibid., pp. 1006, 1019.

this session. In the discussion upon it all of the Southern members, except those from Maryland, spoke in opposition : Sherman also opposed it.¹ This petition was presented in the Second Congress.²

At the third session of the First Congress a bill repealing the former act which provided a duty on distilled spirits was reported on the 30th of December, 1790, and was almost continuously discussed in committee of the whole until January 13, when it was reported to the House for action. Here it was debated for more than a week, and passed on the 27th of January by a vote of thirty-five to twenty-one. Madison, Lawrence, Sherman, Livermore, Excise on dis- Sedgwick, Smith, of South Carolina, Giles, tilled spirits. Stone, and Fitzsimons advocated the bill, although Stone had some objection to that mode of raising revenue ; Jackson, Parker, Steele, of North Carolina, and Bloodworth opposed the measure, some of them especially on account of the excise, which was its leading principle. Fitzsimons having remarked that the Southern States did not pay their proportion of the impost, Madison showed that the trade of the South was carried on by the Eastern and Northern States, the consumption of the Southern States was proportioned to the numbers of their inhabitants, and that in this way they bore their full proportion of the public burdens.³

This spirits bill was considered and amended in the Senate to require five per cent. on the product of duties on distilled spirits. The House amended this amendment by changing the duty to seven per cent. After a conference between the houses the final arrangement was on the basis of the House proposition as to duty and the Senate's amendment as to time of operation.⁴

¹ Gales and Seaton's Annals of First Congress, First Session, pp. 1630-1632.

² Gales and Seaton's Annals of Second Congress, vol. iii. p. 247.

³ Gales and Seaton's Annals of First Congress, First Session, pp. 1838, 1844-1884.

⁴ *Ibid.*, pp. 1755, 1764, 1964, 1966, 1971.

The report of Hamilton, Secretary of the Treasury, on the subject of manufactures, made to the second Congress, was the principal event of that time connected with the topics discussed in the present chapter. Its points are too numerous and its volume is too great for condensation here. Hamilton sought to overthrow Jefferson's ideas upon the supremacy of agriculture. In this famous document the Secretary of the Treasury, while not holding that manufactures are positively more productive than agriculture, states that they augment the produce and revenue of society in seven ways, namely: "1. The division of labor. 2. An extension of the use of machinery. 3. Additional employment to classes of the community not ordinarily engaged in the business. 4. The promoting of emigration from foreign countries. 5. The furnishing greater scope for the diversity of talents and dispositions which discriminate men from each other. 6. The affording a more ample and various field for enterprise. 7. The creating in some instances a new and securing in all a more certain and steady demand for the surplus produce of the soil."¹

Second Congress. Hamilton's report on manufactures.

In the third Congress Madison introduced, on the 3d of January, 1794, a set of resolutions declaring the necessity for higher duties. They were aimed at foreign nations—chiefly Great Britain—for making regulations unfavorable to American commerce and manufactures. Smith, of South Carolina, opposed and Madison upheld these resolves. The debate lasted almost continuously until February 5, when the subject was postponed. It was resumed on March 14, and on the 17th of April the resolutions were adopted. These embargo measures have only a general connection with the tariff, and it is, therefore, not necessary to treat them fully. They are an important part of the general political history of the country and are of special interest to historians of the second war with Great Britain. Supplementary acts

1794.
January 3.
More discrimination resolutions.

¹ Gales and Seaton's Annals of Second Congress, vol. iii. p. 971 *et seq.*

laying duties on special articles were passed by the third and succeeding Congresses.¹

The subject of a direct tax came up in the fourth Congress in a discussion in the committee of the whole upon

Fourth Con-
gress. Direct
tax on land
and slaves.

a report from the Ways and Means Committee.²

At the ensuing session a proposition was submitted by Coit providing for a plan to be reported by the Committee on Commerce and Manufactures for a direct tax upon land and slaves. A debate on this subject lasted from the 13th to the 20th of January, 1797, at which latter date the Ways and Means

Such a bill
passes the fifth
Congress.

Committee were ordered to prepare a bill.³ On February 14 the House rejected a motion to send bills on the subject to the committee of the whole, having devolved the duty on another committee.⁴

¹ The general references here are as follows : Annals of Third Congress, pp. 157, 174-209, 209-225, 226-235, 244 *et seq.*, 256-432, 598—all these for discriminating or embargo resolutions ; for final passage of supplementary act above referred to, 1242, and for the act itself, page 1472. An additional bill for the collection of duties was enacted at the first session of the fourth Congress (vol. v. of Annals, pp. 105, 2289). Some of the special bills are indicated below, with the dates of their passage : On licenses for sale of foreign wines and distilled spirits (fifth Congress, July 5, 1797, Annals, vol. vii. p. 36) ; additional duty on salt passed at same session (July 6, *ibid.*, p. 37) ; a bill for the protection of trade passed the Senate by sixteen to thirteen (fifth Congress, Annals, p. 22) and was reported in the House December 26, 1797 ; amendatory act of the seventh Congress for collection of duties, April 15, 20, 1802 (Annals, vol. xi. pp. 1191, 1155) ; act for imposing more specific duties (eighth Congress, first session, finally passed March 27, 1804, Annals, pp. 34, 1242). An act for additional duties passed the House in the tenth Congress, but failed in the Senate (Annals, pp. 454, 1448). Sawyer's proposition for a committee on manufactures refused in the eleventh Congress (Annals, p. 717), December 12, 1809. Additional duties act passed twelfth Congress, June 29, 1812 (Annals, vols. xxiii., xxiv. pp. 308, 2338). The House bill amending act laying duties on bank-notes was lost in the Senate in the thirteenth Congress (Annals, pp. 683, 1244).

² Gales and Seaton's Annals, pp. 841-856. In this discussion Gallatin denounced the public debt as a public curse, and was rebuked for it by Dayton.

³ *Ibid.*, pp. 1857, 1942.

⁴ *Ibid.*, p. 2154.

In the fifth Congress a bill providing for a direct tax passed both houses July 12, 1798.¹

1798. July 12.

The bill to incorporate the Mine and Metal Company was defeated on its third reading in the Senate March 2, 1801.² It had on the 30th of January passed the House as amended by a vote of fifty to forty-four.³

1801. January 30. March 2.

In the first session of the seventh Congress a pungent debate took place in the Senate on the proposition to reduce duties on coffee, tea, and common sugar, which, it was argued by Rutledge and Bayard, were necessary articles to the poor.

Seventh Congress. The tariff becomes a party question.

This was denied by Southard. Randolph, Smilie, Claiborne, Giles, and Samuel Smith were prominent in opposition, and it was charged by Davis that the Federal party had changed ground, as those who favored reduction had formerly laid these taxes. The Ways and Means Committee were directed to report on impost and tonnage duties, but resolutions of particular instruction to that committee were rejected. The matter had become a party question.⁴

As the act providing additional duties, levied by the twelfth Congress, was a war measure and was to continue in force one year only after the conclusion of a treaty of peace, it might well be passed over except for its connection with the tariff legislation of a later day. It finally passed the Senate on the 29th of June, 1812.⁵ This act imposed one hundred per cent. additional to the permanent duties previously imposed and ten per cent. additional to that upon imports in vessels not of the United States. An additional tonnage duty of one dollar and fifty cents per ton was also imposed on such vessels.

Twelfth Congress. A war tariff.

1812. June 29.

¹ Gales and Seaton's Annals of Fifth Congress, p. 609.

² Gales and Seaton's Annals of Sixth Congress, vol. x. p. 758.

³ Ibid., p. 989.

⁴ Gales and Seaton's Annals of Seventh Congress, vol. xi. pp. 434-447, 461.

⁵ Gales and Seaton's Annals, vols. xxiii., xxiv. pp. 308, 2338.

Direct tax and
internal duties.

The thirteenth Congress passed a bill providing for a direct tax and internal duties.¹

Fourteenth
Congress.

The fourteenth Congress came immediately after some remarkable, and it preceded one or two very distinguished, national legislatures. In the *personnel* and work of the fourteenth Congress we shall find as much that is commanding as in any American Congress whatever. Elected at the close of a harassing and mostly unsatisfactory war, its duties were neither few nor light. The whole financial and commercial status of the country was to be adjusted anew to the changed situation of affairs. To order the machinery of government so as to interfere with no industry and at the same time to do equal justice to all portions of the Union; to assist the work of restoring normal business and not to give a wrench here or a jar there where the abnormal had entered most largely; to regulate and not to destroy or re-create commerce, and to produce by legislation no unfavorable change in the new system of manufactures which had sprung up during the war and the previous stormy period of embargoes, —these were the obligations affecting the economies of the United States. But there was as much delicacy required, as we shall see in the chapter on the United States Bank in a subsequent volume, in the solution of the problem of the currency. The question of internal improvements, too, we shall find, pressed with scarcely less force than and demanded as statesmanlike consideration as either of the others.

The first measure of revenue which was enacted by this Congress was one repealing the duty on household furniture. It passed on the 3d of April.² A special act to repeal duties on articles manufactured in the United States passed the House on the 3d of February.³ Petitions for the encouragement of cotton manufactures

¹ Gales and Seaton's Annals, vol. xxvii. p. 2739. Approved August 2, 1813.

² Gales and Seaton's Annals of Fourteenth Congress, p. 278.

³ Ibid., p. 862.

were presented from Massachusetts, New York, Rhode Island, Maine, Maryland, New Jersey, and other States.¹ The House passed, with Senate amendments, at this session a bill to reduce direct taxes to \$3,000,000 for one year. The tax for the current year was \$6,000,000. For the next fiscal year it was \$5,723,152.25, and for internal duties, \$5,963,225.88.

The first step taken toward a general revised tariff of duties was by the Secretary of the Treasury in a plan and accompanying letter laid before the House on the 13th of February and referred on the same day to the Committee on Ways and Means. This committee, through Mr. Lowndes, its chairman, reported a bill on the 12th of March. Eight days later this bill was considered by sections.² The bill as reported proposed a duty of twenty-five per cent.

ad valorem on both cotton and woollen manufactures imported. Strong moved to increase the duty on woollen manufactures twenty-eight and on cotton manufactures thirty-three and one-third per cent. This amendment brought up the question of the protection of domestic fabrics.³ Lowndes replied to Strong's speech and defended the action of the committee in reporting a smaller duty than that recommended by the

1815.

1816.
First step towards a revised tariff, February 13.

The bill.

The debate.

Secretary of the Treasury. The important debate of the following day, March 21, is merely indicated in the annals of the Congress. Strong withdrew his motion, but the part relating to the cotton duty was renewed by Clay, who subsequently modified the rate to thirty per cent. Smith, of Maryland, replying to a speech by Mr. Clay in favor of his proposition, stated some objections to the bill and to the recommendations of the Secretary of the Treasury. Mr. Lowndes answered Clay's and also Smith's objections. It

¹ Found on many pages of the "Congressional Annals." There were also petitions from Kentucky and Massachusetts and the city of Philadelphia for the reduction of duties on domestic manufactures.—Pp. 458, 611.

² *Ibid.*, p. 1233.

³ *Ibid.*, p. 1234.

is said that "he entered into an ample and particular defence of the system reported on the subject by the committee." Clay's first motion was negatived by a vote of fifty-one to forty-three.¹ But the Kentuckian was not discouraged. His modified motion was urged with more elaboration than the former one. He discussed the general question of the expediency of protecting American manufactures. Robertson replied and defended the report and bill. On the 22d of March Ingham, of Pennsylvania, a member of the Ways and Means Committee, made a strong practical speech in favor of out-and-out protection. "The revenue," he said, "is only an incidental consideration, and it ought not to have any influence in the decision upon the proposition before the committee."² He considered the bill as involving a great principle of national policy, and that it was not a mere contrivance to collect taxes from the people. He contended, against the argument of Smith, of Maryland, that the proposed amendment would not destroy the East India trade. But he faced that contingency. "If we must be reduced to the alternative of abandoning our manufactures or the East India trade, the latter," in his opinion, "ought to give way, because it was the least valuable to the nation."³ He combated as plausible, but not founded in sound policy, the theory that our encouragement of manufactures ought to be confined to fabrics of first necessity,⁴ and denied that the bill and the report of the Secretary of the Treasury favored the manufactures of the Northern and Middle States more than those of the Southern.⁵ The bill proposed, he said, a duty of four cents a pound on sugar, which was more than thirty-six per cent. *ad valorem* on the cost of the article, and yet it was complained of by the gentleman from Louisiana, Mr. Robertson. Even the paper that members wrote upon had the water-mark of the British crown, although it was

¹ Gales and Seaton's Annals, p. 1237; House Journal, Fourteenth Congress, First Session.

² Gales and Seaton's Annals, p. 1240.

³ Ibid., p. 1241.

⁴ Ibid., p. 1242.

⁵ Ibid., p. 1244.

manufactured in the District of Columbia, such was the prejudice against home manufactures. He insisted that it was the bounden duty of the Congress to protect the industry of the country from such discouragements.¹ After Chairman Lowndes had replied at length to the arguments of Clay and Ingham, Clay's motion to make the duty on cotton manufactures thirty per cent. prevailed by a vote of sixty-eight to sixty-one.²

Cotton manu-
factures..

During this day's debate Smith, of Maryland, presented a statement showing from calculations on the basis of the proposed duties the advantage which the manufacturer would have over the importer. On every one hundred pounds sterling of cotton goods, the bona fide cost in England, the retailer's cost would be one hundred and forty-seven pounds, ten shillings, or forty-seven and one-half per cent. in favor of American manufactures, besides the price of raw materials.³

The motion of Smith to increase the duty on iron sheets, rods, and bolts from one dollar and fifty cents to two dollars and fifty cents per hundred-weight having been agreed to, he moved to tax loaf sugar eighteen cents per pound. He gave way to Huger, of South Carolina, who proposed to strike out the proposed duty of four cents per pound on brown sugar and substitute two and a half cents.⁴ Lowndes thought that the duty in the bill was even too low: sugar manufacture demanded encouragement as much as any other.⁵ But Sheffey contended that the increase of the culture of the article was sufficient argument that it was profitable and needed no protection. The poor would suffer from the high duty.⁶ Calhoun opposed Huger's motion, as did Wilde, but Mil-

Iron. Sugar.

¹ Gales and Seaton's Annals, p. 1246.

² It is regrettable that this speech and some others made during the debate by the illustrious Carolinian were not preserved. His reported speeches on the Baldwin tariff of 1820 show that he had a wonderful grasp of the subject.

³ Gales and Seaton's Annals, p. 1248.

⁴ Ibid., p. 1258.

⁵ Ibid., p. 1262.

⁶ Ibid.

nor, Pitkin, and Pickering advocated it. Pitkin proposed three, Forsyth five cents. The latter protested with warmth against what he termed the injustice of taxing the South to support the manufactures of the East and yet denying to the South any security in return for its manufactures.¹ The committee of the whole negatived five cents, and Clay advocated three and a half, but hoped that four would be restored. Gaston, of North Carolina, opposed the duty and earnestly entreated the House "to consider those unfortunate manufacturing States which were burdened on the one hand to encourage the manufactures of the East and taxed on the other to protect the products of the South."² By a vote of sixty-four to fifty-eight the duty was fixed at three and a half cents.

The engrossing topic of the debates on this tariff measure was the duty on cotton manufactures. Webster renewed, on the 25th of March, a motion he had withdrawn previously to strike off the duty proposed by the bill and to substitute the following: "For two years next ensuing the 30th of June next a duty of thirty per cent. *ad valorem* for two years, to commence at the termination of the two years last aforesaid, a duty of twenty five per cent. *ad valorem*, and after the expiration of the two years last aforesaid a duty of twenty per cent. *ad valorem*."³ Clay moved to amend the amendment by inserting three years in the first instance, one in the second, and to conform the remainder to these changes. If the amendment he offered prevailed, said Mr. Clay, four years would still reduce the duty to the minimum proposed by the original motion, and would give to our own manufactures an adequate protection at the time of the greatest difficulty. Lowndes assented. Satisfied that twenty-five and even twenty per cent. was a sufficient protection to the manufactures in question, he would never-

Forsyth and Gaston complain that injustice is done to the South.

Webster, Clay, and cotton manufactures.

¹ Gales and Seaton's Annals, p. 1263.

² Ibid.

³ Ibid., p. 1270.

theless support the proposed motion, persuaded that it would eventually produce the state of things which he thought was most desirable.¹ Root, of New York, opposed "the graduation by which the manufacturing establishments would be sustained for two years and then left to their fate." He claimed that a bounty in the nature of a monopoly would be given to the manufactures already established. Ward, of Massachusetts, who represented commercial interests, also said he would encourage manufactures by giving them a permanent support and not a bounty for a short time which would discourage temporarily foreign importations.² Webster was "not prepared to say that the government was bound to adopt a permanent protection, or one which would exclude those goods already in the country." He declared that he was opposed to a fluctuating policy, and that the object of his motion was to impose a duty so moderate as to insure its permanency and be still an adequate one.³ Calhoun, believing that twenty per cent. as a permanent duty was ample protection, opposed Clay's amendment, which was supported by Pitkin on the ground that it held out encouragement to additional establishments, and by Clay himself, who contended that in three years experience would enable American manufacturers to judge whether they could compete with the foreign manufacturers of articles of necessity.⁴ Smith, of Maryland, did not think that twenty per cent. was adequate protection, but he said it would give an advantage of fifty per cent. over British manufacturers of cotton goods.⁵ Ross "wished not to see one class of the community enslaved by another." Further, he observed, "there was already great necessity for a strong country party to withstand the manufacturing and commercial parties" in the Congress.⁶ Clay's motion was

Calhoun.
Twenty per
cent. perman-
ent duty
ample protec-
tion.

¹ Gales and Seaton's Annals, p. 1270.

² Ibid., p. 1271.

⁶ Ibid.

³ Ibid.

⁶ Ibid., p. 1273.

⁴ Ibid., p. 1272.

rejected and Webster's agreed to, the latter by a large majority.¹

Woollen fabrics and imported books were the chief articles considered on March 26. Lowndes remarked concerning the former, and speaking with special reference to blankets, that he thought a decided present encouragement was required. But all through the discussion on that tariff he seemed to look to a final reduction, "that correct standard," to quote his words, "which only ought to be encouraged and looked to."² A modification proposed by Ingham, which gave one more year for the duty to run on blankets and woollen rugs, prevailed. Members from the commercial States, as Pickering, Root, and Ward, fought for a discrimination in favor of the East India trade.³

Iron was seventy-five cents per hundredweight in the bill, but Webster secured a reduction to forty-five cents. The vote on this item was sixty-two to forty-three.⁴ Efforts both to increase and to reduce the duty on coal failed.⁵ After some general consideration the bill, with the amendments, was reported to the House on the 27th of March.⁶

The first amendment of the committee of the whole which appears to have been agreed to by the House on

April 2, when the bill was before it for action, was that which reduced the duty on unmanufactured wool from fifteen to seven and one-half per cent. *ad valorem*. Root opposed the proposition. It prevailed by a vote of seventy-three to forty-two. The duty on cotton was debated a great part of at least three days longer, besides the general discussion just before the final passage of the bill. Forsyth's motion, made on the 2d of April, to strike out the whole of the graduated duties on cottons adopted in committee, and

¹ Gales and Seaton's Annals, p. 1273. The vote on Clay's amendment was forty-seven ayes to sixty-one noes.

² Ibid., p. 1274.

³ Ibid., p. 1275.

⁴ Ibid., p. 1285.

⁵ Ibid.

⁶ Ibid., p. 1289.

reduce the duty to twenty per cent. from June next, opened for discussion the general question of protection.¹ Gaston, a leading Southern member of the Federal party, spoke for an hour in opposition to "the policy of burdening the community by an extravagant duty on imports, for the purpose of encouraging domestic manufactures." Another extended speech on the same side was made by Cuthbert, also a Southerner. But such efforts were unavailing. The policy of moderate protection was already in the ascendancy. Forsyth's motion was deemed too sudden a measure of reduction, and was rejected. Among the sixty-five yeas were Barbour, Clayton, Forsyth, Gaston, Lowndes, Pickering, Randolph, and Root; Calhoun, Ingham, Pinkney, Pitkin, and Sergeant were recorded among the sixty-nine negative votes. But the battle had been hardly contested and the vanquished were not prepared to yield. The struggle was renewed on the day following on a proposition of like nature by Forsyth. Long speeches for and against this were made, and the proposition was modified by Smith, of Maryland, who offered the old Clay amendment at a lower rate of duty: it proposed to make the limit of the twenty-five per cent. duty three years instead of two. It was successful by a vote of seventy-nine to seventy-one. Then the amendment of the committee of the whole—twenty-five per cent. for three years and twenty per cent. thereafter—was agreed to by a large majority.²

The vote in the House on reducing the iron duty from seventy-five cents to forty-five was eighty-nine ayes to fifty-one noes. On this question Calhoun voted with the high tariff men, although, as has been seen, he favored a lower duty on cotton manufactures.³ The House reduced the duty on brown sugar to two cents and that on lump sugar to ten.

Calhoun votes
with the high
tariff men on
iron.

¹ Gales and Seaton's Annals, p. 1313.

² Ibid., p. 1325.

³ Ibid. In subsequent chapters the reasons for the action on this occasion of Calhoun and other Southern men are stated as a part of the debates on later tariff bills.

The discussion on the 4th of April was one of the most interesting of the series. The manufacturing interest went over to the commercial on Pickering's proposition to reduce the proposed duty on India cottons to the rate of the existing double duties after March 1, 1817, and it was adopted by a large majority.¹ Randolph moved to strike out so much of the second section of the bill as fixed the minimum price of cotton goods (except nankeens directly from China) at twenty-five cents per square yard. He followed in a speech in which he arraigned all protection whatever. Calhoun's reply was a long and fascinating argument, conceding some of the objections urged by Randolph, but contending that the security of the country demanded the passage of the measure. Mr. Calhoun seldom spoke with greater zeal or ability than he did on this occasion. "Manufacturing," he said, "produced an interest strictly American,—as much so as agriculture,—in which it had the decided advantage of commerce or navigation. It will excite," he enlarged, "an increased attention to internal improvements,—a subject every way so intimately connected with the ultimate attainment of national strength and the perfection of our political institutions."² In his opinion "the liberty and the union of the country were inseparably connected." He said that the word "'dis-union' comprehended almost the sum of our political dangers."³ Cuthbert, Randolph, and Gaston spoke in reply. After further discussion and after a modification of Randolph's motion had been rejected he withdrew it. Wilde's motion to reduce the duty to twenty per cent. *ad valorem* was also defeated,—fifty-one to seventy-six.⁴

Speeches on the passage of the bill, April 8, were made

¹ Gales and Seaton's Annals, p. 1329.

² Ibid., p. 1335.

³ Ibid., p. 1336. Calhoun, in 1816: "The liberty and the union of the country are inseparably connected." Webster, in 1830: "Liberty and union—one and inseparable—now and forever."

⁴ Ibid.

by Randolph, Smith, of Maryland, Lowndes, Calhoun, Wright, and Telfair. Calhoun denied Randolph's charge that there was a mysterious connection between the tariff and bank measures.¹ A motion to postpone the bill was lost by a vote of forty-seven to ninety-five. Finally the tariff bill of 1816 passed the House of Representatives by a vote of eighty-eight to fifty-four.² It passed the Senate with amendments, and was approved by the President.

April 8. The tariff bill of 1816 passes the House.

April 27.

Nearly all of the opposition to the measure came from the South. It appears from a number of votes that of the members present about fifty were always opposed to anything like a protective policy.³ The positions of the various speakers and of other members who merely voted their preferences have been indicated. Some of these gentlemen at a later day were found on the opposing side and the views of others were greatly modified: in the space of about twelve years Webster had become a protectionist and Calhoun an anti-protectionist; Lowndes in four years had grown to be one of the sturdiest advocates of a revenue as contradistinguished from a protective policy. But it is not given to statesmen always to be consistent; for consistency is sometimes error, and not even the angels know all things that concern the welfare of men.

Nearly all the opposition from the South.

A supplementary act of revenue was passed at the second session.⁴

At the first session of the fifteenth Congress an act passed increasing duties, chiefly on articles made of copper, silver-plated furniture, cut glass, brads, tacks, etc.⁵ A supplemental bill to abolish internal and

1818. Fifteenth Congress.

¹ Gales and Seaton's Annals, p. 1351.

² Ibid., p. 1352; House Journal, Senate Journal; Annals, p. 334, for passage in Senate.

³ Ibid., pp. 1347, 1348, and other places.

⁴ Ibid., pp. 297, 1034.

⁵ Ibid., pp. 383, 1777, 2580.

direct taxes was also passed at the same session.¹ A bill to increase the duties on iron in bolts, bars, pigs, castings, and nails, and alum, as amended in the Senate, finally passed April 20, 1818.² On the same day the President approved an act continuing in force the fourth paragraph and first section of the act of April 27, 1816, which expired June 30, 1819, until June 30, 1826.³ It sustained woollen and part-woollen manufactures at twenty-five per cent. *ad valorem*, which, according to the terms of the act of 1816, would have been reduced to twenty per cent.

During this as during the preceding Congress petitions for the encouragement of manufactures, especially cotton and woollen manufactures, were presented, chiefly from the Northern States.⁴ Near the beginning of the first session Drake, of Massachusetts, had moved in the House that the Committee on Commerce and Manufactures be instructed to inquire into the expediency of granting bounties to manufacturers who should manufacture a given number of yards of cotton and woollen goods of a certain width, and that a permanent fund for the payment of the same should be appropriated.⁵ The memorials increased in the sixteenth Congress and asked for the encouragement of domestic manufactures generally, as well as to those of cotton and woollen fabrics. Counter petitions and remonstrances against the existing as well as proposed duties were presented from the Virginia agricultural societies and from merchants in several Northern cities.⁶

¹ Gales and Seaton's Annals, pp. 35, 1769, 476.

² Ibid., pp. 387, 1776.

³ Annals of Fifteenth Congress, p. 383.

⁴ Ibid., pp. 175, 446, 486, 494.

⁵ Ibid., p. 508.

⁶ Annals of Sixteenth Congress, pp. 38, 41, 45, 75, 78, 119, 237, 537, 712, 1403, 2286, 2293, 2307, and many other pages; and in the second session at pp. 21, 24, 1821, etc.

CHAPTER III.

THE TARIFF—1820-1828.

THE first protective measure introduced merely as such and pressed upon grounds irrespective of the question of revenue was the Baldwin tariff of 1820. This was an abortive measure, but its characteristic features were so important as illustrating the changes of economic ideas, and the arguments by which it was enforced or opposed were so luminous, no apology is required for some general consideration of the chief points in the debate. Baldwin, of Pennsylvania, reported the bill from the Committee on Manufactures. This was the first tariff measure ever reported from that committee, and the only bill for the raising of revenue since the first that was not reported by the Committee on Ways and Means. The increase proposed was over the duties provided by the bill of 1816 as modified by that of 1818. Articles were divided into five classes, and the additions were roundly as follows: On the first class, two-thirds; on the second, one-third; on the third, one-fourth; on the fourth and fifth, about one-third. The last two classifications included woollen and cotton manufactures, upon which, respectively, the increase was from twenty-five to thirty-three for woollen and cotton not from India, and twenty-five to forty for the latter imported from India.¹ Chairman Baldwin explained the provisions in a long and very able speech in which were employed the arguments against British supremacy and for the necessity for national industry. He considered "that which was taken from the earth as raw

1820.
Protection as
protection. The
Baldwin tariff.

Provisions.

Baldwin's
speech.

¹ Gales and Seaton's Annals, vol. xxxvi. p. 1913.

material," and would encourage equally as manufactures every change in its form or value by labor.¹ He claimed that the bill would make ample provision for revenue, and, estimating the imports the same as in 1818, he thought that the increased duties would be five million eight hundred thousand dollars.² He contended for a new policy,—one of protection. In five years, he said, the impost diminished from thirty-six millions to sixteen, more than three millions of which was in suit. As the expenditures of the government were twenty-six millions, it would be necessary to resort to internal taxation. He opposed strongly total reliance upon imposts. "Bottom your revenue," was his expression, "on the manufactures of the country. Commerce has too long been the spoiled child of government."³ He insisted that the flood of imports had exhausted the country's resources.⁴

It is not necessary to state formally, as in the case of a successful bill, the progress of this measure through the House and its course up to the point of final action in the Senate. Some of those who opposed it favored certain reductions.⁵ Among the arguments used against the bill were the following: that manufacturers will say that they were invited by the legislation of Congress to invest capital and that the home markets are overstocked and further protection is demanded to save them from ruin;⁶ that protection would diminish the value of land, shutting out the agricultural section from the foreign market and burdening the people with taxation; that commerce would be confined to the local ports, as Tyler said, "the bays and creeks;"⁷ that manufactures would flourish without the factitious aid of the government; that the theory of entire independence of other countries was a theory which aimed to subvert the ordinances of heaven itself; that it was true that there was depression

¹ Gales and Seaton's Annals, p. 1936.

² Ibid., p. 1938.

³ Ibid., p. 1943.

⁴ Ibid., p. 1955.

⁵ Ibid., p. 1940.

⁶ Ibid., p. 1946.

⁷ Ibid., p. 1959.

of trade, but it arose from palpable causes,¹ and if retaliation was resorted to, the United States would drive valuable products out of the market and not establish a market in their stead. Protection was denounced as a selfish and contracted policy. In favor of the bill, by speakers who succeeded Baldwin, it was urged that American prosperity should not be made to depend upon the misfortunes of Europe;² the limits of foreign demand for our agricultural products were precarious, the selfishness of foreign powers rendering retaliatory measures necessary in order to secure our own independence;³ that the argument was not fair which arraigned one industry and excused others for inevitable ills; that customs were unsteady and made it necessary to resort again to internal revenue; that the foreign trade had been protected too much by the operations of the government, and that the time had come for the extension of the principle to manufactures;⁴ that in consequence of the policy that had been pursued villages had been abandoned in the Western States and cotton factories in the East had been ruined.⁵ Clay foretold what Whitman and so many others did not foresee, that New England's situation would insure her the first and richest fruits of the protective tariff.⁶ McLane used the phrases, "national labor," "national capital," repeatedly, and while not entirely satisfied with the bill, preferred it to the existing tariff.⁷ He would have confined the measure to the protection it would afford to the labor of the country and left the subject of revenue to its "appropriate jurisdiction." He, too, like other protectionists of the time, looked to the internal revenue to support the government, and defended the principle of internal taxation.⁸ Like Clay, he said that the foreign political economists were plausible theorists, but unsafe guides in

Arguments in
favor of the
bill.

¹ Gales and Seaton's Annals, p. 1961.

² (Storrs) Ibid., p. 1964.

⁴ Ibid., p. 2047.

⁶ Ibid., p. 2051.

⁸ Ibid., p. 2097.

³ (Clay) Ibid., p. 2035.

⁵ Ibid., p. 2048.

⁷ Ibid., p. 2095.

the pending discussion.¹ There was no intention, he urged, to change the agricultural character of the country to a manufacturing one.² Indeed, all of the speakers acknowledged that at least nine-tenths of the power and influence of the country were agricultural. McLane declared that it was "the result of the experience of all times and ages that the success of manufactures has depended upon government aid." This aid, he insisted, was much more necessary in this country where there were difficulties peculiar to our situation and where we had to contend with the bounties and premiums of other nations.³ The wealth produced by individuals in manufactures went into the common stock. The agriculturist felt the impulse in the increased value of his land and estate.⁴ This speaker contended that the ultimate effect of protection would be to reduce the price of the article in a considerable degree, and he appeared not quite willing to concede that it would be enhanced at all, even for a short time.⁵

Ingenious and logical arguments against protection were made by Barbour and Archer, of Virginia, and a very cogent, practical speech was delivered by Whitman, of Massachusetts. The latter, speaking mainly for the commerce of the country, said that it could never be wise to force the growth of manufactures that would always require extraordinary aid to keep them in operation and which were not essential to defence in time of war. He charged that the scheme proposed was for the benefit of a few manufacturers and of a small number of merchants who hoped to engross the whole of the mercantile business.⁶ He averred that the manufactures of New England were moderately but reasonably encouraged. Silsbee, from the same State, thought that the commercial interest would not be able to bear the provision of the bill that three-fourths of the duties were to be paid

Barbour,
Archer,
Whitman.

¹ Gales and Seaton's Annals, p. 2097.

² Ibid., p. 2098.

³ Ibid., p. 2106.

⁴ Ibid.

⁵ Ibid., p. 2110.

⁶ Ibid., p. 2007.

in cash, and denied that the credit system in the collection of duties had worked loss to the government.¹ The commercial interests, as represented in the House, however, were more favorable than in 1816 to the principle and policy of protection.

The chief speeches in opposition to the bill were from the agricultural section, the South. Archer showed that the friends of the protective system admitted that manufacturing establishments had gone to ruin under a tariff which averaged about twenty-five per cent. The additional duty was only about seven or eight per cent., as he had been informed. Was this amount sufficient to retrieve from ruin and protect these establishments? If it was not, then it was unnecessarily oppressive as to other interests, besides being a nugatory imposition. The bill he characterized as an appeal to public authority for the relief of private distress. He criticised the policy of choosing a time of great privation for experiments involving an addition to the sources of expense, affecting all classes.² Philip Pendleton Barbour argued that the bill would diminish revenue, because it would lessen the amount of importations and increase smuggling.³ It was a violation of the principles of political economy to build up a manufacturing system by means of legislative interference. He contended, against arguments that had been advanced, that there was nothing peculiar in the situation of the country which would establish an exception to the general rule. While the wealth of the great manufacturers was increased by manufactures, they did not add to the totality of the wealth of the nation. Precisely as you enhance the price of the commodities which the mass of consumers purchase, you diminish the value of the products of their labor, the value of which consists in the power of commanding the products of the labor of others. The interest of the agriculturist, he continued, is precisely identified

¹ Gales and Seaton's Annals, pp. 1989, 1991.

² Ibid., p. 2021.

³ Ibid., p. 2058 *et seq.*

with that of the community; that of the manufacturer is not only not identified, but is in some degree opposed to it.¹ In a political point of view he was therefore led to question the policy proposed, which was to create and sustain by artificial means a class in society in some degree necessarily opposed to those of the rest of the society. The contention of Mr. Barbour was opposition, not to manufactures, although at times he appeared to be verging towards that, but to governmental influence in their behalf.

Lowndes, in reply to McLane, Baldwin, and others, observed that the question was not whether manufactures were useful: a great deal of trouble had been taken to prove what nobody had denied; nor was it even the question whether it was the policy of the government to encourage them by duties upon foreign importations. He said that his friends had shown by arguments which had not been answered that that employment of industry which afforded the most profit to the individual would ordinarily conduce most to the wealth of the State, and that the duties or prohibitions which should direct any portion of the labor of the country to a business in which it could not otherwise engage would usually be found to substitute a less profitable employment for one which was more so. If they are right, he continued, the present bill which proposed a large additional encouragement to particular branches of industry must be entirely indefensible; but if there were doubt as to the correctness of opinions which they held in common with every political economist to whose work time had given its sanction this doubt was enough to dissuade the House from further interference on a subject upon which they had perhaps already gone too far.² We cannot create capital.³ Replying to McLane, he remarked that the expectation must be utterly

¹ This means only so far as that interest is protected at the expense of the community.

² Gales and Seaton's *Annals*, p. 2115.

³ *Ibid.*, p. 2116.

illusory that a bounty could be given to any branch of industry without at least a temporary sacrifice by some others. He exposed the fallacy which regarded manufactures, but not commerce, as home industry, and declared that the industry employed in commerce was American industry. In employing the saw-mill or the spinning-jenny, he said further on, we acted upon the same principle of getting what we wanted as cheap as we could, and we produced the same distress in throwing out of employment the persons whose ruder industry could not stand this new competition. There was one admission, however, which he frankly made: the effect upon home industry was the same of improved machinery or of foreign trade; but the trade which benefited ourselves benefited also the country whose wants we supplied or whose products we consumed. The principle of this objection, he stated, was not so much anti-commercial as anti-social.¹ In encouraging the manufactures of the country by duties upon importations, his friend from Delaware would do the very thing which he meant to avoid,—he would promote one branch of American industry at the expense of another. Meeting another argument, Lowndes contended that it was no decisive recommendation of the plan of encouraging particular industries that it had been applied with some differences to commerce as well as to manufactures. Whatever the expenses on account of commerce may have been, commerce herself was made to pay them. The advantage given to the navigation interest in the monopoly of the coasting trade was connected with considerations of defence, not of profit. He then discussed philosophically the effects of the encouragement of manufactures in the mode proposed. Of the withdrawal of labor and capital from commerce or agriculture for the enlargement of manufactures he would say nothing, but would claim that the effect of the distribution of these among the different branches of manufactures would be one of “unmixed injury.”² He

¹ Gales and Seaton's Annals, p. 2117.

² Ibid., p. 2118.

appealed not to theory, but to fact. In 1818, by laying a duty on copper in sheets, two establishments were maintained which employed fifty-four workmen; on the other hand, four thousand braziers who worked up this copper had suffered heavy and general injury.¹ He considered the general state of the country and especially of the revenue, and took a more hopeful view than did the speakers of the other side. Perhaps, he remarked on this head, the unprosperous condition of the revenue was proof that the prosperity of a few years had rendered our expectations unreasonable.² In reply to Baldwin's opening speech Lowndes said, "If, in addition to the exclusion of the foreign article, you lay an excise upon the domestic product, it is evident the country must pay a double tax, although the government will not receive it."³ In opposition to the protectionists generally he argued that "in an extensive and thinly-peopled country restrictions upon trade would raise the price of manufactures, but not of grain. In a populous and fully cultivated country they would raise the price of grain, but not of manufactures. The last is the situation of England, the first that of the United States."⁴ He thought that there was no nation in the world which, in proportion to its income, paid so great a bounty to its manufacturers as the United States.⁵ If the bounty in question were greater than the value of the article justified in any rational view of public policy, we applied the money of the country injudiciously; but if a less bounty would produce the effect which we desired, we gave it away without object and without excuse. A resolution of his looking to information on this had been rejected by the House as useless, and the chairman of the Committee on Manufactures had said that such information had never been given. But Mr. Lowndes showed from a sentence of Secretary Dallas's report in

¹ Gales and Seaton's Annals, p. 2119.

² Ibid., p. 2120.

³ Ibid., p. 2121.

⁴ Ibid., p. 2123.

⁵ Ibid., p. 2125.

1816 that the rate of duties in that report was founded on evidence of the degree of encouragement which would enable the manufacturer to meet the importer.¹ That evidence was laid before the House. Lowndes cited Hamilton's famous report on manufactures to show that Hamilton's opinion was that bounties to American manufactures should be highest at first.² Duties four times as great as Hamilton recommended, continued Lowndes, were now levied upon many of the most important articles, and were discovered to be inadequate and nugatory. As a further argument against the proposed increase he observed that the appreciation in the price of money made the duties levied on cotton and woollen manufactures much more effectual than in 1816, yet Congress was asked to raise them.³ He concluded with the remark that he believed the bill under consideration was injurious to the government, oppressive to the people, and dangerous to the stability of manufacturing industry.⁴

Lowndes in this speech dwelt upon the vital and less usual points in the discussion, but refused to repeat obvious arguments which had been employed by the ablest of his coadjutors. His method was logical without formality, and he was throughout luminous in illustration, practical in application, and philosophical in the statement of first principles. It was the most powerful argument on either side during the entire debate.

On the 29th of April the bill passed the House by a vote of ninety-one to seventy-eight.⁵ Some of the New England members voted with the South, almost for the last time on measures of this kind that any considerable number of them were found on that side of the question. After debate the House, on May 1, by a large majority, rejected a bill for regulating the mode of collecting duties.⁶

April 29.
The bill passes
the House.

¹ Gales and Seaton's Annals, p. 2126.

² Ibid., p. 2127.

³ Ibid., p. 2130.

⁴ Ibid., p. 2135.

⁵ Ibid., p. 2155.

⁶ Ibid., pp. 2159-2172.

The Baldwin tariff bill was postponed in the Senate until the next session, when it was finally defeated.¹ In the second session in the House Baldwin reported from the committee on manufactures a bill to regulate duties on imports and for other purposes. Besides a reference to the committee of the whole, nothing appears to have been done with the measure.²

If the debates during this Congress do not afford sufficient evidence of the depressed condition of the country, it may be seen by reference to the newspaper files of the period.³ But surely that trouble is unnecessary and readier proof is at hand. In his report from the Committee on Manufactures presented by Chairman Baldwin on January 15, 1821, he says: "There is no national interest which is in a healthful, thriving condition."⁴ A table of exports for 1790 and 1820, accompanying this report, states the

Decline in the amount of exports. following facts: Tobacco, 1790, 101,272 hogsheads; 1820, 83,940; decline in thirty years, 17,332 hogsheads. Wheat in 1790 was exported to the extent of 1,018,339 bushels; in 1820, 22,137; a decline of 997,202 bushels, or almost the whole crop of the former period. But flour, pickled fish, pork, turpentine, and pot and pearl ashes showed some increase. Cotton is not named, but the remark appears that "the value of this article exported is to the amount of all our own domestic exports as twenty-two to fifty-one." The report of the

Secretary of the Treasury at this time shows that the currency of the United States had contracted in three years from \$110,000,000 to \$45,000,000.⁵ Baldwin's report states that there was more specie than ever before in the country, but that there was no employment for capital.⁶ Business had declined fifty-nine per cent.; and embarrassment and distress had increased in

¹ Gales and Seaton's Annals, p. 656; *Senate Journal*.

² *Ibid.*, p. 863.

³ Especially vols. xvii.-xx. of *Niles's Register*.

⁴ Gales and Seaton's Annals, vol. xxxvii. p. 1553 (appendix).

⁵ *Ibid.*, as above, p. 487.

⁶ *Ibid.*, p. 1562.

the same ratio.¹ The report alleged that manufactures—internal activity—would restore the prosperity of the country.² The assertion is made that beyond the circle where manufactures flourish there is no currency, and the broader statement follows that the employment of foreign industry on fabrics to which our own is competent is death to manufactures, just as the importation of articles congenial to our soil is the bane of agriculture,—both are said to exhaust the national resources.³ Following this report is an able reply by the Committee on Agriculture. It is a report upon the petitions of the Virginia agricultural societies. A meeting of these societies declared that Britain had never been able, with all of her legislative oppression of her own subjects, to make her silk manufactures productive from the revocation of the Edict of Nantes to the day of the petition.⁴ It was upon these and other remonstrances against the protective policy that the report of Baldwin was framed.

The Committee on Agriculture reports.

Memorialists from Maine cite Hamilton's report and show that the protectionists had adopted his principles and disregarded their application. They say: "In the case of iron, the duty of which was not half what it is now, he recommended a diminution, under an idea that it was almost a raw material, necessary in every kind of mechanism, and the same with regard to molasses, which we could ourselves distil. He could never have imagined that the time would come when it would be deemed good policy to make the people pay from thirty to one hundred per cent. more for goods to the manufacturer than they might otherwise be bought for of the importing merchant."⁵

Other anti-protection views.

The Philadelphia commercial convention, in their petition of November 4, 1820, observe: "If it be asked who are the rightful judges in regard to the expediency and

¹ Gales and Seaton's Annals, p. 1563.

² Ibid., p. 1564.

⁴ Ibid., p. 1519.

³ Ibid., pp. 1565-1567.

⁵ Ibid., p. 1495.

justice of the proposed tariff, it is surely fair to answer that the payers who constitute a very large majority of the whole nation are certainly more competent to decide than the expectant receivers, when the only inquiry is, how much of the money of the former shall be paid to the latter and to what extent it shall be taken, not only without their consent, but in opposition both to their entreaties and remonstrances.”¹ The merchants of another quarter of the Union were active in opposition. “It is sufficient,” is the language of the Charleston memorial of December 8, 1820, “that a government takes care that the employment of each individual inflicts on others or on the community at large no injury, and that each shall receive equal and uniform protection; all interference beyond this is useless or pernicious.”² It is an argument against manufactures in a thinly settled country. The petitioners shrewdly asked that as in Great Britain bounties to manufactures were followed by a bounty to agriculture, so in the United States there should be bounties for exportation of agricultural products. Their cry was, “Let us make the system uniform and equal,” which was what the protectionists were crying along with their efforts to do just the reverse of what these petitioners desired.³

A supplementary act to regulate the collection of duties
 Seventeenth passed the Senate at the first and the House at
 Congress. the second session of the seventeenth Congress,⁴
 and was enacted. A bill making perpetual the act of
 March 3, 1815, passed the House.⁵

At this second session of the seventeenth Congress a much more important measure was to be considered. The agitation for the increase of duties, begun in 1820 and then repulsed by the action of the Senate, was never discontinued. On the 9th of January, 1823, Mr. Tod, from the

¹ Gales and Seaton's Annals, p. 1500.

² Ibid., p. 1506.

³ Ibid., p. 1516.

⁴ Annals of Seventeenth Congress, p. 378; also appendix.

⁵ Ibid., p. 433; for former bill, pp. 630, 636, 647, 666, 669, 795, and 887; also Journal.

Committee on Manufactures, reported in the House of Representatives "a bill for the more effectual encouragement and protection of certain domestic manufactures," which was referred to the committee of the whole. Briefly, the bill proposed to raise the value of woollen or part-woollen manufactures below that duty to eighty cents; of cotton, except nankeen imported direct, and dyed cloths, to twenty-five cents per yard, with per cent. in each case added. The duty on woollens was fixed at thirty per cent. *ad valorem*; there was twenty-five per cent. on cotton, silk, flax, or hemp, not particularly specified; thirty per cent. on nankeen, with other details too numerous for mention.¹ The measure was debated from January 29 until February 14, when Tod, before one of the most important parts had been perfected—the duty on raw materials—moved to discharge the committee of the whole and thus bring the matter before the House.

1823.
January 9.
Another tariff
bill reported.
Its provisions.

After an exciting discussion this motion was negatived by a vote of sixty-seven to eighty-eight.² The bill did not again come up during the Congress, which expired on March 3. Some of the arguments and scenes in this debate merit reproduction. Cambreleng on the first day showed that the lowest description of plain woollens under the proposed duties would cost the poor ninety-three and one-half per cent., amounting to prohibition of the foreign article. Tod confessed that that was intended.³ He explained that the new bill added five per cent. to existing duties on woollen goods with a minimum price of eighty cents per square yard excepting blankets, flannels, worsted, and stuff goods. Cottons, except as to a minimum price of thirty-five cents a square yard on checked and striped cloths, were left as in the existing tariff. Hemp was raised from thirty to forty-five dollars per ton. On bar iron the additional duty was five dollars per ton. One of the arguments for the bill was that coarse cottons had

The debate.

¹ Gales and Seaton's Annals of Seventeenth Congress, p. 544.

² Ibid., pp. 727-1016.

³ Ibid., p. 727.

been reduced in price one-half, while the home article was better in quality than that it supplanted.¹ Tattnall, of Georgia, differed from other speakers in opposing manufactures,—at least he said he did not wish to see the manufacturing interest thrive to any great extent. “It is the policy of our government,” he contended, “to discourage everything which has a tendency to limit the possession of wealth to a few.”² He claimed that while the manufactures were yielding from seven to thirty per cent. on investments, the planters on the sea-coast of Georgia and South Carolina barely secured five per cent.³ The classification of the duties in the bill was assailed by several speakers as careless if not uncandid. Tattnall became greatly excited and exclaimed, “By Heaven! we will not tamely submit to this treatment!” Tod had said that one-half of the country were in distress; Smyth, of Virginia, could not agree to throw the distress of one-half on the other half, and challenged the constitutionality of the protective policy.⁴ Cambreleng, too, asserted that it was never contemplated to confer on this confederated government the power to make one section tributary to another.⁵ This able debater, a Southern man by birth, who represented one of the New York City districts, reviewed the history of the origin of tariff legislation.⁶ “We find,” he said, “the patriots of that day debating for days, nay, weeks, together, whether the duty should be five or seven and one-half per cent. At the present day gentlemen talk familiarly of ninety and one hundred per cent. and of prohibition. Now for the first time we are presented with a tariff which, so far from having a view to revenue, aims a direct blow at some of its most productive sources.”⁷ Cambreleng’s speech on this occasion was a learned and comprehensive survey of the economical situation, broad in its

¹ Gales and Seaton’s *Annals*, p. 732.

² *Ibid.*, p. 753.

³ *Ibid.*, p. 755.

⁴ *Ibid.*, pp. 758–760.

⁵ *Ibid.*, p. 767.

⁶ Churchill C. Cambreleng was a native of North Carolina.

⁷ *Ibid.*, p. 761.

recognition of the obligations of the country to maintain reasonable duties to preserve vested interests, but incisive in its exposition of the fallacy of taxing extortionately raw material on which certain manufactures are based. As to the policy of restriction and exclusion, he said, "It is not upon foreign governments we make war; but we commence a speculative and blind warfare upon the knowledge, ingenuity, enterprise, and industry of mankind. The expenses of this experimental war we raise by heavy taxes upon our fellow-citizens."¹ Among the opponents of the bill were Durfee, of Rhode Island, and Gorham, of Massachusetts; of the number of its supporters, Mallary, of Vermont, and Eustis, of Massachusetts. Mallary, fluent and optimistic, did not believe in the theory of natural selection as applied to industry. He recited instances of the happy effect of interference with the agricultural products of the South and Eastern manufactures.² Eustis said that to encourage the growth of the raw material was at all times dictated by sound policy.³ Among the benefits which he mentioned as flowing from the system of protection proposed were the increase of demand for farmer's products and the increased value of land.⁴ Commerce and navigation were also benefited. He considered the objects of the bill to be national and not sectional. The Pennsylvanians continued to advocate the protective policy, as in former congresses. Buchanan, Buchanan and Gorham. criticising some of Gorham's arguments, averred that the latter had "boldly declared that the people of the South should resist such a law" as that proposed. Buchanan claimed that the bill did not make a change in the well-settled policy of the government.⁵ In these debates the claim was made that President Monroe and Secretary Crawford were in favor of further duties; but the former's message, even in the passage quoted, did not entirely

¹ Gales and Seaton's Annals, p. 766.

² Ibid., pp. 773, 814, 824.

⁴ Ibid., p. 892.

³ Ibid., p. 891.

⁵ Ibid., pp. 894, 897.

bear out the assumption, for he said that the subject "should be touched with the greatest caution and a critical knowledge of the effect to be produced by the slightest change."

The sectional tone of the discussion was very perceptible. In addition to what came from Tattnall and Cuthbert, of Georgia, there were certain very bitter expressions used by Van Wyck, a Northern speaker.¹ He said that for fifteen years previous to 1817 the Northern States made three hundred and forty million dollars as opposed to two hundred and fifty-five million dollars by the Southern. From 1817 domestic exports had declined, in 1821 amounting only to, Southern, twenty-seven million, four hundred and forty-nine thousand, eight hundred and thirty-six dollars; Northern, eight million, one hundred and five thousand, two hundred and sixty-four dollars. He asked if it could be a subject of wonder that the inhabitants of the Northern States should be dissatisfied with their prospects; whilst a Southern population of only two-fifths of the whole number of inhabitants of the States should receive an annual income of twenty-seven million dollars, the other three-fifths could barely obtain eight million dollars. Disclaiming such a purpose, he did make an appeal to the feelings of the Northern people. Woodcock, another speaker from that section, deprecated sectionalism and bore down heavily on Southern men, whom he accused of having resorted to that sort of argument.² Attack upon and defence of the manufacturing system as to its effect on the economies, politics, morals, religion, education, etc., were rather more frequent and animated, perhaps, in the discussion of this bill than in previous debates.³

The tariff bill of 1824 was reported from the Committee on Manufactures by Tod, of Pennsylvania, on the 9th of January.⁴ The subject came up for consideration on the

¹ Gales and Seaton's Annals, pp. 983-994.

² Ibid., p. 995.

³ Ibid., p. 998 and other passages.

⁴ Gales and Seaton's Annals of Eighteenth Congress, p. 930.

10th of February.¹ In the explanation and defence of the measure is seen in part what there was of justification in its adoption. The arguments in opposition are also presented with reasonable fulness and all possible perspicacity. These arguments and counter-arguments are at first given baldly, without much comment. When the tariff measures of the period are thus outlined in the words or ideas of the men of those times, a vividness and certainty are imparted which no subsequent remarks of the author in criticism can efface or obscure. "One object of the bill," explained Mr. Tod, "is that as to certain manufactured articles, the raw materials of which exist in abundance at home, we should by legislative provisions give to our own workmen, not the exclusive supply and command of even our own market, but barely a part of the business of furnishing our own people with the plain, rough necessities of life. Another object of equal importance was that, instead of continuing to support the agriculturists of Europe in almost everything, we may be compelled by using more home-manufactured articles to give to the farmers of our own country some market for their products. And another object, not inferior in magnitude to either of the former two, was to give to the country that strength and power which arise from possessing within itself the means of defence, and to rescue it from the danger and disgrace of habitual reliance upon foreign nations for the common daily necessities of life."² He held that the tariff of 1816 was inadequate: at that time "the theory of foreign speculative writers called political economists" prevailed; and he stated the theory in its essentials, in order to show that it had been injurious to the country. "All the devastations and losses of the war," he claimed, "were nothing compared with the devastations and losses of manufacturing

1824.
Eighteenth
Congress. Tar-
iff bill reported,
January 9.

Tod.

¹ Gales and Seaton's Annals, p. 1469. The vote upon taking it up was ninety-three to eighty-two.

² Ibid., p. 1471.

capital under the tariff of 1816.”¹ Proceeding from a statement of the causes of a decline of industry, as he conceived them, to the remedy, he held out to the country the advantage of high duties. These were not to be imposed for the purpose of enabling the manufacturer to sell his wares high, for he contended that precisely the opposite effect would follow the imposition. He declared that prohibition had had the effect invariably in England, France, this country, and every country known, to cheapen manufactures. The fact was more important to know than the reason for it. He thought that it was probably explained by the assurance of a market, a steady demand.²

With one exception the bill left the cotton duties as they were. The minimum valuation of imported cloths was raised from twenty-five cents the square yard to thirty-five cents. The intention was to give protection to two or three finer grades than those then protected. Tod explained, with scant regard for his severe arraignment of a moment before of the tariff of 1816, that “as to the very lowest priced goods and those in the second and third grades from the lowest, the addition here proposed to the duty was merely nominal. The duty as to them is already effectual.”³ A specific duty of six cents a square yard was imposed on cotton bagging, as he averred, for the benefit of Kentucky and other Western States, and was intended to be prohibitory.⁴

The effect of the bill on the revenue, so it was claimed, would be satisfactory to every friend of the measure. For three years or longer the revenue would be increased, but even if it were not the real wealth of the country would be increased by protecting domestic industry.⁵

Tod showed a disposition to get the measure through the committee of the whole without debate; but all of his friends were not so eager. Clay wished to give time to the

¹ Gales and Seaton's Annals, p. 1474.

² Ibid., p. 1476.

⁴ Ibid.

³ Ibid., p. 1477.

⁵ Ibid., p. 1478.

petitions, of which Cambreleng said there were over a hundred. Barbour and Randolph submitted remarks which invited discussion.¹ The debate opened, as that of 1789 had done, with the article of spirits. Foot, of Connecticut, moved to strike out the duty. Clay conceded that the clause in question might diminish the revenue, but argued that "wealth at home was to be preferred to that which was to be brought into the country from abroad."² Garnett, of Virginia, said that this tax operated the reverse of what was claimed; it was not an encouragement to agriculture. Tomlinson, another Connecticut member, opposed the clause as interfering with the Connecticut trade in rum with the West Indies. He would support the bill if that were stricken out. One of the low tariff men called attention to the break in Speaker Clay's array.³ A sharp disagreement on this question arose the following day between the Eastern and the Western protectionists. Wickliffe, of Kentucky, declared he would vote against the measure if the duty on foreign spirits were left out. He said that the bill was not for revenue, but was a measure protective of the manufacturing interests of the country.⁴ But he criticised the disposition which he said was manifested to put all of the burdens upon agriculture.⁵ Recrimination was indulged in by both East and West, and other sections twitted Connecticut with her interest in the matter. The discussion was carried on by Mallary, Tracy, Foot, Clay, Tod, McDuffie, and others. The Southern view was presented by McDuffie, who averred that if it could be shown that the proposed duties were connected with the independence, the power of the country, this consideration would always have great weight with the Southern people; and a system of manufactures tending to these objects, although it might bear more heavily upon them than upon

The debate
opens as in
1789.

¹ Gales and Seaton's Annals, p. 1480.

² Ibid., p. 1483.

⁴ Ibid., p. 1489.

³ Ibid., p. 1486.

⁵ Ibid., p. 1490.

others, would not be disapproved. But, he remarked, a system of a combination of particular interests for the particular benefit of each was one which would never receive their sanction.¹ Alluding to the protection offered in the bill to indigo, he said, "Nothing would appear more idle to the people of that country than a protection in the manufacture of indigo." Tracy, of New York, would "go to the whole length of excluding the foreign article in whatever part of the tariff we depart from revenue as the object."² The discussion on spirits was continued on the 13th of February. Tomlinson argued that if the additional duty were imposed it would drive the inhabitants of the West Indies to seek elsewhere supplies which they had been accustomed to receive from the United States.³ Tracy's motion to strike out fifteen per cent. and insert fifty was lost, and the committee then by a vote of sixty-seven to one hundred and two rejected Foot's motion to strike out the whole clause.⁴

An effort to lower the proposed duty on woollen manufactures of coarser fabrics from thirty to twenty-five per cent. *ad valorem* failed. Conner, of North Carolina, the mover, said that the duty was intended to be prohibitory, and that the article was necessary to a large class in the Southern country. The vote was seventy-one to one hundred and six.⁵

Brent, of Louisiana, then precipitated a debate of several days' duration by his motion to strike out the duty on cotton bagging. It was contended that Kentucky, for whose benefit the duty was imposed, could not supply one-sixth of the bagging needed, as was shown by the Kentucky census of 1822, and that even that was of inferior quality.⁶ The protectionists replied that "it would not do to say that the States of Kentucky and Ohio could not manufacture all the cotton bagging wanted

¹ Gales and Seaton's Annals, p. 1497.

² Ibid., p. 1499.

⁴ Ibid., p. 1512.

⁶ Ibid.

³ Ibid., p. 1510.

⁵ Ibid., p. 1515.

for all the cotton-growing States in the Union." Tod contended all through the debate on this article that the three cents duty on raw cotton was a protection, and this tax was availed of to enlarge on the reciprocity in advantages which was asserted by the friends of protection.¹ Trimble defended the quality of the Kentucky bagging, which had been depreciated.² Hamilton, of South Carolina, replying to the argument of Tod, said it "was perfectly consistent with the whole scope of the bill; that if, by the laws of God and nature, any part of our country should not enjoy equal advantages of soil, climate, etc., with another, Congress was to exert a despotic power with a view to equalize the advantages."³ He showed that South Carolina paid a cotton bagging tax of sixty thousand dollars a year. In another speech he said that the proposed duty was equal to seventy-one per cent., but Trimble asserted that it was only twenty-six.⁴ The latter also said that the planter made three dollars clear on every bale of cotton by counting the bagging as cotton, or twenty dollars clear in every bolt of bagging. This statement was corrected by Brent as to the foreign cotton sold, nearly the whole crop raised.⁵ The protectionists averred that it did not matter whether the duties on sugar, rice, and cotton were intended to protect the home manufactures; they did, in fact, protect them.⁶ Cobb, of Georgia, and others offered to give up this tax if the duty on hemp was yielded.⁷ Cobb observed that the object was distinctly avowed not to protect existing manufactures, but to assist in bringing others into existence, the price being laid on the Southern States. The estimates of this cost varied from two hundred and forty thousand to three hundred thousand dollars a year, the latter being Cobb's and Mercer's.⁸ Cook, of Illinois, remarked sarcastically that cotton-growers could

The duty on
raw cotton.

¹ Gales and Seaton's Annals, p. 1517.

² Ibid., p. 1519.

⁴ Ibid., p. 1542.

⁶ Ibid.

⁸ Ibid., pp. 1543, 1546, 1556.

³ Ibid., p. 1518.

⁵ Ibid., p. 1543.

⁷ Ibid., p. 1544.

afford to give up the duty, as no further protection was needed. He contended that the amount of the duty on cotton bagging was sixty-six thousand dollars, while the bounty on cotton, as he phrased it, amounted annually to nine hundred and fifty thousand dollars.¹

A difference arose on this question between Buchanan and Tod. The former, not disposed to hazard everything on an item which he saw was unpopular in the South, proposed a duty on cotton bagging of four and one-half cents per square yard, and at a later day favored two and one-half cents as "a middle course."² But Clay thought that the real question before Congress was whether the men of Inverness and Dundee should continue to have a monopoly or whether there should be an American competition.³ Owen, on the other side, summed up the policy of the bill as in effect this, that the East and West must co-operate and the South must submit and contribute.⁴ It was argued by McDuffie and many others that the South

McDuffie. would thus contribute without the object being secured. McDuffie said, "As a question of political economy, you can only protect what exists." He declared that it was to insult his understanding to tell him that the culture of cotton had ever been protected by the legislation of the government. "Estimating," he continued, "the average value of cotton where it is grown at twenty-five cents, the duty on the importation of cotton, being three cents per pound, was in fact only twelve and one-half per cent., *ad valorem*, less than the average duty laid on all other objects for the purpose of revenue alone, and could therefore not be regarded, either in intention or in fact, as a protecting duty." It did not operate upon cotton any more than if it did not exist.⁵

In a broad, practical, and even eloquent argument of great length Cambreleng, the merchant, declared that the

¹ Gales and Seaton's Annals, p. 1545.

² Ibid., pp. 1546, 1565.

⁴ Ibid., p. 1550.

³ Ibid., p. 1548.

⁵ Ibid., p. 1553.

bill was incompatible with the principles of our government, unjust, impracticable, warring on commerce and agriculture, and destructive of revenue at a time when it was most needed. "The industry of every country," he said, "must be regulated and protected according to the circumstances and condition of the country." Deprecating a search into the duty records of France and England to mould our laws in absurd conformity with their ancient statutes,—the venerable follies of every age and country,—he asserted that there was "neither wisdom, honor, nor profit in a countervailing war of permanent monopolies." He continued, "The prosperity of nations depends on their natural advantages and their constitutional security of property and right. Measures violating either the one or the other injure the aggregate interests of the country." He attributed the growth of the country to "the wonderful influence of constitutional government upon the industry of nations, and not to any of our ingenious regulations."¹ Alluding to the class of citizens who had been held up by the protectionists as having enjoyed too much consideration at the hands of the government, he observed, "Whatever may have been the speculations of our legislators, our farmers have generally pursued their labors without being conscious of any advantages derived incidentally from our laws, and certainly without having solicited any such protection." He further remarked on this branch of his subject, "The bill proposes to impose additional duties, but not prohibitory, on agricultural productions to the value of little more than a million of dollars, while it embraces heavy duties, amounting to prohibition, on manufactures requisite for agricultural use to the value of almost twenty-six millions of dollars."² "The arrangements of the bill" were called by him "this compact of balanced monopolies." In his conclusion, Cambreleng made some remarks which

¹ Gales and Seaton's Annals, p. 1571. The whole speech is found at pp. 1568-1580.

² Ibid., p. 1572.

perhaps throw a ray of prophetic light on the events of a few years later,—the tariff excitement of 1828–33. “Our confederacy now rests,” was his confident statement, “on a rock of adamant,—on our political morality,—on an invincible attachment of an enlightened people to the best constitution in the world. But we must not fearlessly calculate on the immutability of our Union if we adopt measures like this; for no free government can stand firm where it becomes a principle of legislation habitually and without an imperative political necessity to violate property and natural rights.” He urged that the forms of a free government should not be retained while the action was upon the principles of an absolute government. Two days of debate were devoted to the motion of Owen, of Alabama, directing the Committee on Ways and Means to report what the effect of the measure would be on the revenue.¹ This proposition was resisted stoutly by Tod, McLane, Buchanan, Ingham, Mallary, and others. McLane contended that the information ought to come from the Committee on Manufactures. The bill, he said, was not for revenue, but for protection; there was no need for alteration in any of its details.² On the other hand, Livingston thought that the information was indispensable to an intelligent vote on the bill, and gently criticised the Committee on Manufactures for not laying before the House a detailed and authentic statement.³

On February 23 we again find the House in committee of the whole considering the tariff bill. Martindale moved to strike out the enacting clause. As this was an extraordinary course for a friend of the measure to pursue, he explained that he took it to bring up the general question more regularly, as the enemies of the bill were fighting it at every stage on general principles.⁴ On the following day Owen’s resolution was amended so as to send the matter to the Secretary of the Treasury instead

¹ Gales and Seaton’s Annals, p. 1586.

² Ibid., p. 1589.

³ Ibid., p. 1590.

⁴ Ibid., p. 1627.

of to the Ways and Means Committee. The vote was eighty to sixty-nine, and showed confusion in the protection ranks, not, however, as great as that which followed the adoption of McLane's amendment discharging the committee of the whole pending the report of the Secretary of the Treasury. The effect would have been to stop debate. But a motion of Rich to insert words which would show that the purpose of the bill was to advance the commercial, manufacturing, and agricultural interests of the country placed McDuffie and Owen in opposition, and Floyd cut the Gordian knot by a motion to lay the resolution and amendments on the table, which prevailed by a vote of ninety-six to ninety-two. If the protectionists were confused at the beginning, the low tariff men were still more so before the ending.¹

Continuing his speech, begun on the day previous, Martindale, of New York, took high ground in favor of the indissolubility of the Union and the centrality of the government of the United States.² "I would remind gentlemen," he remarked, "that there is one sacred, Martindale. invariable, enduring principle of our government which no portion of our country can ever violate with impunity, and that is, as the majority must govern, their decision must prevail and the minority must submit. Why, sir," he continued, forgetting or ignoring the distinction between counties and States, "as well might the county of Suffolk, upon the extreme end of Long Island, talk of rebelling against the State of New York for determining to build a canal in which she has no interest but to which she is obliged to contribute, as the cotton-growing section of our country oppose the authority of this government because the bill on your table, if adopted, may limit in some

¹ But there was general confusion. The last vote was go-as-you-please. Some of the strongest tariff men were against the motion and some of the leading anti-tariff men in favor of it; as Barbour and Cambreleng, along with McLane and Tod, in the affirmative, and Forsyth and McDuffie, with Mallary, in the negative.

² Gales and Seaton's Annals, p. 1632.

measure their cotton market and add an inconsiderable sum to the expense of its production." He denied explicitly the right to dissolve the government by an appeal to the sovereignty of the people.¹ This part of Martindale's speech was a reply to the warning uttered by Cambreleng. Martindale also argued against custom duties and in favor of internal taxes. He adhered to the general contention of the protectionists, that the large market opened in Europe for Southern products was unequal for the North, placing that section at a disadvantage, and that the South must be ready to yield some of the advantage she enjoyed for the purpose of building up Northern industry.² The

Excitement.

parties to the debate accused each other of producing excitement.³ Burton asked if it was just that all of the rest of the Union should be taxed to make up the difference in the price of labor between Scotland and Kentucky in hemp products.⁴ This part of the bill excited prolonged and angry discussion. Clay promised in eighteen months to produce bagging from Kentucky as good as the Scotch article, in equal abundance, and for less price, if the manufactures of that State were permitted to "exist under hope." Brent's motion, on the 26th of February, to strike out the clause was lost,—ninety-four to one hundred and seven. Buchanan's motion to reduce the bagging duty from six to four and one-half cents per square yard was agreed to by an affirmative vote of one hundred and nineteen.⁵

Cotton bagging reduced.

P. P. Barbour moved to strike out the duty of twenty-five cents per bushel on wheat, and was supported by Garnett, who claimed that the Southern States were in a ruinous condition produced by the taxation of the federal government, which did not leave them sufficient income to appropriate to the improvement of the soil.⁶ He also said

¹ Gales and Seaton's Annals, p. 1633. A few years make a difference in the views of sections, if, meanwhile, there has been a change of circumstances. Only ten years had elapsed since the Hartford convention.

² Ibid., p. 1650.

³ Ibid., pp. 1656, 1657, for example.

⁴ Ibid., p. 1660.

⁵ Ibid., p. 1679.

⁶ Ibid., pp. 1679, 1689.

that "from the commencement the Southern States had borne nearly the whole burden of taxation."¹ Mallary attacked Barbour for moving to eliminate from the bill an agricultural product not exported by Virginia. Marvin stated that the item was included because a meeting on Long Island had asked for the duty.²

The first appearance in the debates on this tariff of Daniel Webster was on this day. He explained the favorable effect of a low duty upon wheat upon the United States and State treasuries and the manufacturing and commercial interests.³

An angry colloquy occurred between Ingham and P. P. Barbour, the latter resenting the former's remark about Virginia's political pride and ambition,—“if Virginia looked beyond her own confines for anything but political power.”⁴ After a debate between Clay and Webster respecting Canadian wheat, Barbour's motion was rejected.⁵

Angry colloquy
between In-
gham and Bar-
bour.

Iron was a more important item than either bagging or wheat. The first section of the bill proposed a duty of one dollar and twelve cents per hundredweight on iron in bolts and bars not manufactured by rolling. This provision Fuller, of Massachusetts, on the 28th of February, moved to strike out. He said that the proposed duty amounted to one hundred and sixteen thousand, five hundred dollars, or thirty-eight thousand, eight hundred and thirty-three dollars in addition to the existing duty. As the duty was raised in 1818 from nine to fifteen dollars, he argued that it ought not again to be increased.⁶ This speaker replied to the argument from the balance of trade and drain of specie, which had been employed by the friends of a high tariff. Our importations from Russia and Sweden were paid for by sugar, coffee, and other products of the West Indies and by the commodities of the East which were the fruit of our circuitous trade. He

Iron.

¹ Gales and Seaton's Annals, p. 1688.

² Ibid., p. 1694.

³ Ibid., p. 1695.

⁴ Ibid., p. 1697.

⁵ Ibid., p. 1701. The vote was 71 to 113.

⁶ Ibid., p. 1705.

showed that the original cargo, of trifling amount, was shipped from this country. In the distant market the invoice was of small consideration; a cargo of great value was obtained in return, not suited so well for the United States, where similar commodities were plentifully supplied, but well adapted for European consumption. At Hamburg an ample market furnished exchange for St. Petersburg or Stockholm, or the cargo itself was sold in one of these latter cities at a profitable advance, and a cargo of iron or hemp was provided for American ports. This trade brought, instead of taking away, specie.¹ Fuller showed by official figures that the foreign commerce of the United States had been impaired by legislation. On the other side, Buchanan claimed that the iron manufactures of Pennsylvania had sunk to ruin under a low tariff and foreign competition. In the year 1819 sixteen thousand, two hundred and forty-one tons of foreign hammered iron had been imported; in 1822 the quantity imported had increased to twenty-six thousand, five hundred and eight tons. But Pennsylvania did not desire to exclude the foreign iron. He cited the recommendation of the Secretary of the Treasury in his report that iron, paper, glass, and lead could bear additional duties.² Mallary delivered

Mallary. an able and very elaborate speech, reviewing the whole question from the stand-point of protection. He gave an epitome of industrial history and policy in Europe from the time of the Middle Ages.³ In the discussion of the 3d of March, Breck, of Pennsylvania, opposing the view taken by his colleagues, favored the bringing at cheaper rates of raw material, iron included. One of these colleagues, Stewart, moved for an additional duty of twenty-five cents a year on items of iron mentioned in the bill, and to extend the time three years. This proposition was defeated.⁴ Then, by the decisive vote of fifty-

¹ Gales and Seaton's Annals, p. 1708.

² Ibid., p. 1710.

³ Ibid., pp. 1712-1731.

⁴ Ibid., p. 1738.

four to eighty-five, Fuller's motion to strike out the iron duty was negatived.¹

Chairman Tod, who was not so competent a man to conduct such a business as Baldwin had been in 1820, became alarmed for the safety of the measure, and moved an alteration of the minimum on woollen cloths from eighty to forty cents. This movement struck strong friends of the bill, like Martindale and Tracy, with surprise,² and developed differences in the protection ranks, which provoked Hamilton, of South Carolina, to say that he did not see why, according to the principle of equivalents adopted by the supporters of the measure, the Northern and Western agriculturists were not entitled in the general distribution of the booty to their golden fleece. But Tod was sustained by Buchanan and others, and his motion was successful.³ Tod's amendment laying a duty on pig-iron was rejected by a vote of seventy-nine to one hundred and eleven.

On the 6th and 7th of March the debate was chiefly on a motion by Forsyth to strike out the third section, which added the amount of foreign bounties to the duties. This motion was advocated by Forsyth, Randolph, P. P. Barbour, Fuller, Bartlett, Ross, Mercer, Livermore, Cambreleng, Stevenson, and Foot, of Connecticut, and opposed by Clay, Stewart, and Tod.⁴ The amendments proposed by the last two were lost, and the original motion prevailed by a large majority.⁵ The debate in favor of the proposition turned on the terms of the British treaty, which provided that articles imported into this country should not have a higher duty imposed than those imported from other countries. After an interval of a week the House resumed consideration of the bill and rejected a movement to increase the duty on lead in pigs, bars, or sheets from two to three cents.⁶ Four days

The protection leader alarmed for the safety of his measure.

March 6, 7.

¹ Gales and Seaton's Annals, p. 1738.

² Ibid., p. 1741.

³ Ibid., p. 1750.

⁴ Ibid., pp. 1756-1758.

⁵ Ibid., p. 1761. The vote was 114 to 66.

⁶ Ibid., p. 1792.

later the Committee on Agriculture, which had been instructed to report the effect of the pending bill on agricultural interests, submitted the result of their inquiries.¹ The report was based on the advantage of a home market, which it was claimed would be afforded by the bill. It was insisted that the duties "should embrace every raw material found or produced with ease in the United States." It was declared that the foreign market for the fruits of our soil depended but little on the sale of foreign goods in this country. As to the amount of duty, it was said that it must always depend upon a variety of considerations which need not be stated; it must be sufficient to secure the exclusive and constant demand of our raw materials competent to build up and protect manufacturing establishments in being, and which with reasonable encouragement would present a constant demand for these raw materials. The committee declined to specify articles, but referred to the tariff bill for an enumeration.²

Tallow on March 19 and hemp on the 20th and 23d of March were considered at some length. The debate on the

March 19, 20.

latter subject arose upon Cambreleng's motion to reduce the proposed duty from two cents to one and one-half cents. Reed, of Massachusetts, claimed that the additional fourteen dollars and eighty cents per ton to the existing duty of thirty dollars would destroy foreign commerce, increasing the amount of duty paid from seventy-two thousand dollars to one hundred and seven thousand, five hundred and twenty dollars.³ The debate was continued by Webster, Mercer, P. P. Barbour, Foot, of Connecticut, Cambreleng, and McKim in favor, and Buchanan, Tod, and Clay against the proposition and in favor of the provisions of the bill.⁴

On the 24th of March Clay moved to insert a duty of

¹ Gales and Seaton's Annals, p. 1857.

² Ibid., p. 1859.

³ This was upon an estimate that every one hundred tons of shipping required four tons of hemp.—Ibid., pp. 1882-1887.

⁴ Ibid., p. 1888.

ten cents a gallon on molasses,—a motion advocated by him in a speech, the tendency of which was to promote the manufacture of Western whiskey at the expense of Eastern rum. “Every gallon of spirits distilled from foreign molasses and consumed within the country,” he said, “takes the place of a gallon of spirits distilled from domestic produce.” His principle of protection was defined to be: 1st, the manufacture of our own materials; 2d, the manufacture of foreign raw materials which do not come into competition with any that are native; 3d, but least of all, those which compete with our own produce. The House agreed to the duty as proposed.¹

March 24.

An old question.

After much discussion and by a close vote a motion of Webster's was agreed to, the purport of which was to allow a drawback upon imported silks and nankeens on re-exportation, with safeguards on frauds against the revenue.² The items in the bill were often adopted by very close votes, following extended debate, and a number of amendments desired by the protectionists were not incorporated. The case of glass is in point. The duties on cut glass, two and three cents, after a division were retained by a single vote.³ And the same fate befell the movement of Tod to increase the duty on plain glass.

Upon Isacks's motion to strike out the section containing the cotton minimum of thirty-five cents per square yard P. P. Barbour delivered an elaborate general speech on the subject of the tariff, in which all of his logic, culture, and classicism appeared.⁴ If the measure could be defended as a revenue bill he declared that he could not vote for it, because no increase of revenue was needed. He corrected a misapprehension as to a large part of the debt being due in the years 1826, 1827, 1828. Payment was simply op-

The cotton minimum of thirty-five cents per square yard.

¹ Gales and Seaton's Annals, p. 1904.

² Ibid., pp. 1904-1912.

³ Ibid., p. 1913.

⁴ Ibid., pp. 1916-1945.

tional. With the exception of the bank debt and the three per cent. stock, the existing revenue would be competent to redeem the whole debt in 1835, a period yet distant eleven years. He seemed to demonstrate that the bill violated the spirit of the Constitution. The reasoning on another branch of the subject was as follows: "The manufacturers ask for protection; a given sum is proposed as a duty; the commercial interest as well as the agricultural allege that the profit of the manufacturer is already larger than theirs: who amongst us can tell what is the profit of either? And if we cannot, how can we tell whether protection is needed? Again, the wool-grower asks a protective duty to his wool; the manufacturer exclaims that the rate proposed will prostrate his manufacture: what data have we upon which to decide between them?" He affirmed that the measure would not increase the public wealth, and therefore it was utterly impossible that it could increase the national industry. The manufacturing capitalist increased his profits, and laborers about secured an amount equal to their maintenance. He examined what he called "the pretension" that the bill would furnish a better and more steady market to the agriculturist, and made an extensive survey of modern European nations, besides allusions here and there to the practice of antiquity.

Clay replied to Barbour on the 30th and 31st of March.¹ He began with more than usual impressiveness with a hypothetical invocation. He defined the two sides to the question and respected the motives of both. He then reviewed in an eloquent strain the state of the country, after which review he thus assigned the cause: "It is to be found in the fact that during almost the whole existence of this government we have shaped our industry, our navigation, and our commerce in reference to an extraordinary war in Europe and to foreign markets which no longer exist; in the fact that

March 30, 31.

Clay replies to
Barbour.

¹ Gales and Seaton's Annals, pp. 1961-2001.

we have depended too much upon foreign sources of supply and excited too little the native; in the fact that whilst we have cultivated with assiduous care our foreign resources, we have suffered those at home to wither, in a state of neglect and abandonment." He said that a nation was most prosperous when there was a gradual and untempting addition to the aggregate of its circulating medium. It was most desirable that there should be both a home and a foreign market. But he had not a doubt that the home market was "first in order and paramount in importance." The object of the bill was to create this home market, and to lay the foundations of a genuine American policy. We were forbidden, he assumed, to rely on the foreign market both by its inability to supply us—our power of production increasing four times greater than the power of those nations for consumption—and by the policy which rejected our great staples for their own. He stated the total amount of our exports of domestic produce for the year ending the 30th of September, 1796, and estimating the increase according to the ratio of the increase of population,—that is, at four per cent. per annum,—he said that the amount of exports on the 30th of September, 1823, ought to have been eighty-five million, four hundred and twenty thousand, eight hundred and sixty-one dollars. But it was, in fact, only forty-seven million, one hundred and fifty-five thousand, four hundred and eight dollars. Cotton alone had advanced, but its actual value had diminished considerably. He then recapitulated the argument that less than one-fifth of the whole population of the United States produced in 1823 nearly two-thirds of the exports, and argued that something must be done for the other four-fifths by the government. "It is in vain," he said, "to tantalize us with the greater cheapness of foreign fabrics. There must be an ability to purchase." He presented this very awkward statement of a predicament: "Even if it were true that the American manufacturer would supply consumption at dearer rates, it is better to have his fabrics than the unattainable foreign fabrics; for it is better to be ill supplied than not supplied

at all.”¹ Mr. Clay proceeded: “The superiority of the home market results, 1st, from its steadiness and comparative certainty at all times; 2d, from the creation of reciprocal interests; 3d, from its greater security; and, lastly, from an ultimate and not distant augmentation of consumption, and consequently of comfort, from increased quantity and reduced prices.” He claimed that the establishment of manufactures would communicate cheerfulness to the dispirited farming interest. He pointed to the example of Great Britain, who protected most her industry, and therefore had the greatest wealth. As against the Southern position he said that in a conflict between the interests of the smaller and those of the larger portion of the people, the former should yield. If there were any diminution of cotton exports it would probably be only “a little upwards of five per cent. In the end we should be indemnified by the new application of our industry producing new objects of exportation, and they of much greater value than in the raw state.” The probability was that our foreign tonnage would be increased. He thought that for some years, under the operations of the bill, the revenue would be increased considerably. His optimism was sublime. In one passage Mr. Clay seemed to get a foreglimpse of English free trade, for he remarked: “The object of pro-

¹ The context makes Mr. Clay's meaning perfectly clear, and from his stand-point the argument is irresistible. It is this: For economic purposes, including revenue for the support of government, the people of the United States are one. The wars in Europe having closed and left an insufficient market there for American produce except cotton, which was reduced in price, a market must be created in this country. Now, the state of things did not affect the South, because that section could export cotton and pay for all it wanted; but the Northern States were not so fortunate in their situation, and had to be fostered by the action of the government of the United States. This fostering agency was nothing more nor less than legislation which forced the trade of the more prosperous section to the less prosperous one, and if, in this creation of a home market, the Southern planter lost money while the Northern capitalist gained, Mr. Clay and his friends contended that it was right because it upheld a national policy; and the South was informed that it should yield, because it was the smaller section.

tection is the establishment and perfection of the arts. In England it has accomplished its purpose, fulfilled its end. . . . It is upon this very ground that many of the writers recommend an abandonment of the prohibitory system." And yet he denied that England was about to abandon protection.

Clay's optimism. A foreglimpse of English free trade.

He quoted from Napoleon, whom he called "the master-spirit of the age," to show the superiority of agriculture and manufactures to foreign commerce. Even the South would gain by the extended consumption of its great staple. He concluded as fervidly as he had begun.¹ This was the ablest of Mr. Clay's reported speeches which had been delivered on the subject of the tariff up to that time.

Mr. Webster, who almost immediately followed Speaker Clay, dissented entirely from his views and from the picture of distress in the country which he drew. "In respect to the New England States," he said,

Webster.

"with the condition of which I am, of course, most acquainted, the present appears to be a period of very general prosperity: not, indeed, a time for great profits and sudden acquisitions, not a day of extraordinary activity and successful speculation. There is, no doubt, a considerable depression of prices, and in some degree a stagnation of business. . . . The means of subsistence are abundant; and at the very moment when the miserable condition of the country is asserted, it is admitted that the wages of labor are high in comparison with those of any other country." He noticed the injustice of Clay's mode of calculating the increase in exportation. "There never was any reason," he asserted, "to expect that the increase of our exports of agricultural products would keep pace with the increase of our population." But the figures cited by him showed that in the thirty-three years between 1790 and 1823 these exports had

He corrects Clay on the increase of exportation.

grown from \$27,716,152 to \$55,863,491. "The year 1819 was a year of numerous failures and very considerable dis-

¹ Gales and Seaton's Annals of Eighteenth Congress, pp. 2026-2068.

tress, and would have furnished far better grounds than exist at present for that gloomy representation of our condition which had been presented. . . . Irredeemable paper was the most prominent and deplorable cause of whatever pressure still exists." Mr. Webster, in order to find causes for the stagnation in business and industry did not seek for them beyond the commonly assigned ones of the close of the great European wars and the inflation of the currency. He observed, in regard to the latter and the effects it produced upon different portions of the country, that "they find the shock lightest who take it soonest." He thought that there could be no such thing as payment of debts by legislation. No government, in his opinion, could prevent depression in business or relieve the people from its effect.

Webster declared that he, too, was in favor of protecting domestic industry, but his idea was that "the employments of agriculture, commerce, and navigation were only branches of the same industry." He favored some of the propositions of the bill, but to others he had great objections.

Freedom of trade the general principle; restriction the exception. He objected to the mode in which the measure was considered. "Freedom of trade," he said, "was the general principle, and restriction the exception." He cited Lord Liverpool and

others to show that England had risen in spite of the restrictive system. He combated the opinion that this country should not export large quantities of gold and silver. There are no shallower resources, he contended,

than those political and commercial writers who represent it to be the only true and gainful end of commerce to accumulate the precious metals. Men do not buy wheat because they have money, but because they want bread.

An accumulation of specie often shows a want of employment for capital. Where there are two coin standards, the cheapest circulates and the other is exported; and from this difference in the value of silver arises wholly or in great measure the apparent difference which exists in exchange.

To accumulate the precious metals not the only true and gainful end of commerce.

As to the necessity for protection, the question was not whether we would lay, but whether we would augment duties. Iron and hemp, he averred, already paid a handsome duty. Much had been done for manufactures, and it might be presumed that enough had been done, unless it should be shown by facts and considerations applicable to each article that there was necessity for doing more. He was guarded in expression as to further protection for woollens, but thought "it would be, perhaps, prudent to abstain from the experiment." He considered that cotton manufactures had not only reached, but had passed the point of competition. He was willing to accord a higher protection to glass. The duty on hemp was already too high. Altogether, he thought that the shipping interests were injured by the bill.

This speech was in some respects more satisfactory than any previous effort on that side in the debate of 1824. Perhaps as a whole it was not superior to Cambreleng's or Barbour's. Clay had been eloquent; there was not a rhetorical passage in Webster's reply.

The fault of greatest prominence in the anti-protection argument, a fault observable especially in Southern speakers, was the tendency to depreciate manufactures as a necessity for this country. Instead of arguing exclusively against government interference, many of the low-tariff men insisted that it was folly to endeavor to establish manufactures at all; that they could never compete with those of England.¹ One of the most noticeable traits of the protectionist debaters was their disposition to quote as sustaining their ground passages from Hamilton, Jefferson, Monroe, and others which did not bear out the construction placed upon them.²

Fault of the anti-protection argument.

Wrong inferences of the protectionists.

Isacks's amendment, the effect of which would have been to reduce the minimum of cotton goods to twenty-five

¹ Gales and Seaton's Annals, p. 2111, and other places.

² Ibid., p. 2144, and others.

from thirty-five cents, was rejected on April 3 by a vote of seventy-two to ninety-six.¹ One of the chief difficulties

April 3.

Rejection of
Isacks's amend-
ment.

Tod had to contend with was the opposition to certain features of the bill by those who could be relied upon, as Isacks, to support other features. Clark, of New York, proposed to reduce the rate, as scheduled in the bill, on bar iron from one dollar and twelve cents to ninety cents per hundred-weight. "I vote," he explained, "for an increase of duty on woollen goods, because I believe it will make a market for wool; on molasses, because, as the importation of it is diminished, its place will be supplied with grain for distillation. But when you propose a tax on this article, which will bear so heavily upon the farmer and do so much to empty his pockets, I shall use my feeble efforts against it." Tod confessed, in reply, that the reasons given "struck him with a chill."² Clark's motion prevailed.³

Webster's substitute for the schedule of duties on wine was adopted. There was a proviso which limited the amount of duty not to exceed one dollar in any case. Specific duties, ranging from thirty cents on Malaga to seventy cents on Madeira, were imposed on various manufactures; and *ad valorem* duties of fifty per cent. when in bottles or cases; forty cents, when otherwise imported, on other wines. Clay's proposition for three cents per pound on copper in sheets and bottoms was negatived, as were several other motions. But Conner was able, after a second count of the vote, to secure a reduction for the woollens minimum from eighty to forty cents.⁴ The bill was reported to the House on this day.⁵

On the following day the House concurred in the woollens amendment of the committee of the whole by a vote of

¹ Gales and Seaton's Annals, p. 2171.

² *Ibid.*, pp. 2174-2176. Mr. Tod quarrelled impartially with friend and foe. At page 2220 an instance is recorded of his irritability and lack of capacity.

³ By a vote of 99 to 90.—*Ibid.*, p. 2209.

⁴ *Ibid.*, p. 2210.

⁵ *Ibid.*, p. 2211.

one hundred and one to ninety-nine.¹ The nays were chiefly Western and Northern. This action was reconsidered and reversed the next day. Western members were warned by Poinsett and other low-tariff men that there was danger to their section from protection.² Poinsett said, in reply to Clay, that "the state of the seaport towns of France during the prohibitory system of Napoleon was not more deplorable than that of the manufacturing establishments."³ The amendment of the committee of the whole, establishing a scale of advance in duties from twenty-five to fifty per cent. *ad valorem*, was concurred in.

Fate of the
woollens
amendment.

On the 9th of April a prolonged discussion occurred over the proposed reduction of bar-iron. Buchanan, Udree, Brown, and Stewart opposed, and Reed, Randolph, Tucker, McDuffie, Mercer, Canbreleng, Webster, and Marvin supported the amendment to reduce the duty to ninety cents. It was a contest in large part between the manufacturing interests of Pennsylvania and the ship-building and commercial interests of New England, backed by the agricultural South. Stewart, of Pennsylvania, denounced "the iniquitous tariff of 1816, which increased the duties upon sugar, etc., near one hundred per cent. and reduced the duties upon iron from thirty-two per cent. to nine dollars per ton. This," he declared, "gave the death-blow to American manufactures." He insisted that if the duty was increased on an imported article the revenue must of necessity be increased in the same proportion.⁴ The speech of Buchanan had contained no such fallacious statement as this. Indeed, he had made out a very strong case in favor of the additional burdens proposed upon both hemp and iron.⁵ But the reduction was agreed to by a larger vote than in committee,—one hundred and twenty to eighty-

April 9.
Bar-iron.
Pennsylvania
and New Eng-
land.

¹ Gales and Seaton's Annals, pp. 2236, 2255-2257. The first vote was one hundred to ninety-five.

² Ibid., p. 2238.

³ Ibid., p. 2241.

⁴ Ibid., p. 2273.

⁵ Ibid., p. 2259.

five.¹ The amendment proposing to strike out the provision adding the amount of bounty or premium to the duty prevailed by a very large majority.² The Southerners, who imported or drank imported wines to a great extent, were unsuccessful in efforts to reduce the proposed duties on the article. The minimum was increased on woollens, after June 30, 1826, to thirty-seven and a half cents, by a vote of one hundred and three to seventy-seven.³ A proposition to strike out bolt- or bar-iron not manufactured in whole or part by rolling was rejected. On the following day—April 13—an effort was made to increase the duty to one dollar.⁴ Isacks was again defeated in his cotton minimum proposition.⁵

The committee of the whole had accepted Buchanan's compromise of four and a half cents the square yard on cotton bagging. In the House, on April 13, Tod proposed to make the duty five and a half cents after June 30, 1825, and succeeded by the Speaker's casting vote in securing that duty.⁶ Several Southern members voted in the affirmative, among whom were Mitchell, of Maryland, Johnston, of Virginia, and Vance, of North Carolina. Again, on Randolph's motion to reduce the duty on brown sugar to two and a half cents per pound, a number of Southerners
Southernproducts. voted with the protectionists, in opposition, however, this time, to a lower duty on a Southern product, and not, as before, in favor of a higher duty to encourage a Southern manufacture. Webster was also among the nays.⁷ Dilatory motions during several days had failed, when the House, on the 14th of April, ordered the bill to a third reading by the close vote of one hundred and five to one hundred and three.⁸

On the final passage in the House there was extended

¹ Gales and Seaton's Annals, p. 2287.

² Ibid., p. 2292. The vote was one hundred and forty-four to fifty-three.

³ Ibid., p. 2310.

⁴ Ibid., pp. 2311, 2338. This proposition contemplated an increase after June 30, 1825.

⁵ Ibid., p. 2312.

⁶ Ibid., pp. 2315, 2327.

⁷ Ibid., p. 2332.

⁸ Ibid., p. 2342.

debate. John Randolph said, "I do not stop here to argue about the constitutionality of this bill; I consider the Constitution a dead letter." He declared that he had no faith in the Constitution, and quoted Lord Chatham's expression that the sword would find its way to the vitals of the British

An extended debate on the final passage of the bill.

constitution. "A fig," said Randolph, "for the Constitution."¹ He was emphatic in declaring, on the part of the South, non-intercourse with "the region of country which attempts to cram this bill down our throats." He valued the Union "as the means of preserving the liberty and happiness of the people." He drew a picture of the merchants and manufacturers of Massachusetts and New Hampshire repelling the bill, whilst men in hunting-shirts with deer-skin leggings and moccasins on their feet were demanding manufactures,—“men with rifles on their shoulders and long knives in their belts, seeking in the forests to lay in their next winter's supply of bear-meat.”² Holcombe spoke at length for the original bill, and was followed on the 16th of April by McDuffie

April 16.

in opposition. The latter maintained that there should be a due proportion between manufactures, commerce, and agriculture.³ Conceding that there might be interference by the government with the course of industry, he thought that it should be confined within narrow and well-defined limits. The protection sought should be only temporary, and was only justified by the inability of existing manufactures to compete with their foreign rivals.⁴ In giving his endorsement to the tariff of 1816 he said, "I distinctly recognize the principle that wherever large investments of capital have been made in consequence of a state of things produced by the necessary acts of the government itself, the government is under the moral obligation to extend to the interests thus created a reasonable protection." But this reasonable protection, he argued, could not be an ex-

¹ Gales and Seaton's Annals, p. 2361.

² Ibid., p. 2370.

³ Ibid., p. 2402.

⁴ Ibid., p. 2404.

emption from the general distress pervading the entire community, but merely a mitigation from the shock which manufacturing establishments must experience in passing from a state of general war to one of general peace.¹ Some of the distress complained of in the Middle and Western States was relative and in a great degree imaginary. "What! a country that doubles in ten years its population, calling upon the government to relieve it from distress by creating new employments." He held up his favorite theory, a system of internal improvements, as more important to the West "than all the tariffs that could be passed in fifty years."² He claimed that it was obvious that cotton and woollen were the only manufactures of importance which could be protected consistently with the general interests of the country. Hamilton was cited as having favored free importation of unmanufactured wool. Combination of interests on the principle of compromise he opposed strenuously, and he showed that there was an inconsistency in protection arguments. "They tell us," he said, "in one breath that their object is to relieve the country from its dependence on foreign commerce, and in the next that our foreign commerce will be increased."³ He held that "although the manufacturing interest made the most prominent figure in this scheme of protection, the question was no longer between the manufacturing and agricultural interests, but between all those who produced more than they consumed of the articles subject to duty and those who purchased that surplus production."⁴ Incidentally, McDuffie exclaimed, "God forbid that the Southern portion of our Union should be a separate confederacy!" Further along in his remarks he declared that "it would be some consolation" if he "could believe that the heavy impositions," which he thought "must operate so oppressively" upon the South, "would produce an equivalent benefit to other portions of the Union."⁵

¹ Gales and Seaton's Annals, p. 2406.

³ Ibid., p. 2419.

⁴ Ibid., p. 2424.

² Ibid., p. 2411.

⁵ Ibid., p. 2426.

In this closing debate Trimble, who called for the previous question, observed that the discussion had been marked with more temperance than any similar one on former occasions. The call was sustained by the same close voting that had marked every stage of this bill. The vote was one hundred and one to ninety-eight. After another count, not materially different, which had been demanded by Randolph, Webster moved that the bill lie on the table. This motion was rejected by ninety-eight to one hundred and ten,¹ and the previous question was ordered by a vote of one hundred and ten to ninety-seven. The bill then passed the House by one hundred and seven to one hundred and two, and was sent to the Senate.² The yeas were Adams, Alexander (Tennessee), Allison, Barber (Connecticut), Bartley, Beecher, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell (Ohio), Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards (Pennsylvania), Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Jenkins, Johnson (Virginia), J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McKim, McLane (Delaware), McLean (Ohio), Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell (Pennsylvania), Mitchell (Maryland), Moore (Kentucky), Morgan, Patterson (Pennsylvania), Patterson (Ohio), Plumer (Pennsylvania), Prince, Rich, Richards, Rogers, Rose, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson (Kentucky), Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance (Ohio), Van Rensselaer, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson (Ohio), Wood, Woods, Wright. The negative vote was as follows: Abbot, Alexander (Virginia), Allen (Massachu-

The discussion
temperate.

The bill passes
the House.

¹ Gales and Seaton's Annals, p. 2427.

² Ibid., pp. 2427, 2429; House Journal, 428.

setts), Allen (Tennessee), Archer, Bailies, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Blair, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell (South Carolina), Carter, Cary, Cobb, Coeke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinnell, Edwards (North Carolina), Floyd, Foot (Connecticut), Foote (New York), Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hogeboom, Hooks, Isacks, Kent, Lathrop, Lee, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, Mangum, Mercer, Moore (Alabama), Neale, Nelson, Newton, O'Brien, Owen, Plum (New Hampshire), Poinsett, Randolph, Rankin, Reed, Reynolds, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Taliaferro, Tattnell, Thompson (Georgia), Tucker (Virginia), Tucker (South Carolina), Vance (North Carolina), Warfield, Webster, Whipple, Williams (New York), Williams (Virginia), Williams (North Carolina), Wilson (South Carolina).

The tariff bill was laid before the Senate on the 19th of April, and on the following day a debate occurred on its reference,—whether to the Committee on Manufactures or the Committee on Finance. It was decided by a close vote against the latter, and the bill was then referred to the former committee. On the 24th of the same month the measure was reported with amendments and a comparative statement of differences between the existing and the proposed tariff.¹ It was considered and various amendments were agreed to on the 28th of April. Mills's motion to strike out the duty on unmanufactured iron was sustained by Holmes and Lloyd, and prevailed by a vote of twenty-four to twenty-three.² On the succeeding day, Lloyd, of Massachusetts, moved to strike out the hemp duty, which motion was

¹ Annals of Eighteenth Congress, First Session, pp. 524, 530, 569.

² Ibid., p. 583-591.

favored by several speakers and opposed by Johnson, of Kentucky. Van Buren, who had voted with the iron men the previous day, antagonized the motion, but was in favor of reducing the duty "to an amount which would be just and politic." The motion was successful by a vote of twenty-four to twenty-three. The mercantile interest of the East voted with the planting Hemp. interest against the Western and Middle States and a part of the Eastern.¹

Cotton bagging caused an extended debate on the 30th of April, on Kelly's motion to strike out the highest or increased duty on this article.² Hayne showed April 30. the difference in principle between the tariff of Cotton bagging. 1816 and the one proposed: the former placed the highest duty on certain articles first and gradually lowered, while the bill under consideration was progressive. The government was incapable from its elevation of assuming control of individual employments. Hayne, like the speakers in the House, contended that the fact that the imports exceed the exports was always to be accepted as a prosperous state of our commerce. But in a series of years the whole amount of imports and exports must balance each other. The profits in the various industries, he argued, would be equalized by the prices, and these would be regulated by an unerring standard common to all pursuits: the interest on the capital, and the wages of labor. "If," he said, "the act of 1816 had saved the cotton factories and the want of protection had destroyed the woollen, then the failures would have taken place exclusively among the latter. But what was the fact? Why, four-fifths of all the manufactories which failed in New England were of coarse cotton goods," which were protected.³ The argument throughout, too long for statement here, was not only ingenious, but abounded in facts illustrating the subject. As to the con-

¹ Annals of Eighteenth Congress, First Session, pp. 595-615.

² That above four and a half cents the square yard after June 30, 1825. The speech is found at p. 618 of the Annals.

³ Annals of Eighteenth Congress, First Session, p. 634.

stitutionality of the measure, he insisted that "no power can be exercised by Congress which is not expressly granted or which is not clearly incident to such a grant."¹ The claim that encouragement for manufactures was needed was denied. He had himself examined twenty or thirty manufacturing establishments and found evidences of prosperity. The motion to strike out the five and a half cents duty on cotton bagging was carried after further debate.² It was strenuously resisted by Kentucky.

The discussion on May 1, 3, 4, and 5 is in part merely indicated in the reports. Elliott, of Georgia, moved to

May 1-5. strike out the proviso which established a minimum upon the duties on cotton cloths and

cotton twist, yarn or thread were to be calculated.³ He showed that the bill affected the South, which produced more than four-sixths of the domestic exports, by both diminishing the planters' receipts and increasing their expenditures.⁴ John Taylor, of Caroline, reviewed the projects which he said had "heretofore promised national blessings and inflicted national calamities." These were the conversion of a part of the national currency soon after the Revolution; the assumption of the State debts; national banking; the tariff; the pension law.⁵ He spoke of the protected manufacturers as "a pecuniary aristocracy," and of the bill as "a bill of bargains to enrich" them.

On the other side Dickerson, of New Jersey, thus summed up the argument for the measure: "So that under the present state of things the grain-growing States, consisting of at least two-thirds of the population of the Union, are compelled to take of European manufacturers to the amount of twelve millions of dollars; that six or seven States may have the advantage of sending remittances in payment of those manufactures and selling their bills for the same at an extravagant advance; in consequence of which the wealth

¹ Annals of Eighteenth Congress, First Session, p. 648.

² Ibid., p. 652.

⁴ Ibid., p. 672.

³ Ibid., p. 662.

⁵ Ibid., p. 676.

of the grain-growing States is flowing in a constant stream to the States producing rice, cotton, and tobacco.”¹ This speech was a strong *ad captandum* effort to band together the Middle and Western States against the South and the importing interest. A special appeal was also made to “the laboring classes.” Motions by Hayne and Eaton to reduce the minimum on cotton goods were lost, but Holmes’s motion to reduce from thirty-five to thirty was successful.² By one majority the motion of Elliott, above referred to, was negatived.³ The additional duty of fifteen per cent. on distilled spirits was stricken out on a New Englander’s motion.

The debate on the 6th of May was first on a proposition to strike out the clause imposing a duty on unmanufactured wool. As the result of the consideration the following decisions were reached: Unmanufactured wool was reduced to thirty per cent. *ad valorem*. The highest duty on wool, thirty-seven and a half per cent. *ad valorem*, was stricken out.⁴ The next day Rufus King proposed to make the duty on worsted stuffs and blankets only twenty-five per centum. His colleague, Van Buren, voted “nay.” On all these votes Benton favored “the American policy.” The votes resulted, —on the former, ayes twenty-seven, noes twenty; on the latter, yeas twenty-four, nays twenty-three.⁵ The Senate placed various cheap cotton manufactures, as duck, osnaburg, etc., at fifteen per cent. It also decided that woollen goods not exceeding in value thirty-three and a third cents the square yard should be subject to a duty not higher than twenty-five per cent. *ad valorem*.⁶ By decisive majorities scythes, cutting knives, shovels, etc., were changed from specific to *ad valorem* duties.⁷ The proposition of Hayne to substitute an *ad valorem* for a pound duty on books was carried on the 8th of May by a small majority, and by a smaller

May 6.
Reduction of
unmanufactured
wool.

¹ Annals of Eighteenth Congress, First Session, p. 697.

² Ibid., p. 701.

⁴ Ibid., pp. 706-708.

⁶ Ibid., p. 714.

³ Ibid., p. 702.

⁵ Ibid., p. 711.

⁷ Ibid., p. 718.

fixed at twenty-five per centum.¹ The Senate refused to strike out the proposed duty on wheat, wheat flour, and potatoes. The bill was reported on the 10th

May 10.

of May with several amendments, most of the important of which were concurred in on the following day.² Hemp remained as before, at thirty-five dollars per ton. The Senate also disagreed to the vote by which the duty on iron was stricken out. The vote was twenty-one to twenty-six on the amendment.³ There was a large majority for concurrence in the amendment striking out the proposed additional duty on spirits. On motion of Dickerson specific duties were added on Latin and Greek books, bound at fifteen cents per pound, unbound at thirteen cents. On motion of Macon the duty on cotton bagging was stricken out by a vote of twenty-five to twenty-two.⁴

The bill passes
the Senate.

After long speeches by Hayne and Smith, of Maryland,⁵ in opposition to the bill, it passed by the following vote: Yeas, Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes (Maine), Jackson, Johnson (Kentucky), Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor (Indiana), Thomas, and Van Buren,—twenty-five. Nays, Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes (Mississippi), H. Johnston (Louisiana), J. S. Johnston (Louisiana), Kelly, King (Alabama), King (New York), Lloyd (Massachusetts), Macon, Mills, Parrott, Smith, Taylor (Virginia), Van Dyke, Ware, and Williams,—twenty-one.⁶

The bill was sent to the House for action upon the amend-

¹ *Annals of Eighteenth Congress, First Session*, p. 720.

² *Ibid.*, pp. 726, 730.

³ *Ibid.*, p. 731.

⁴ *Ibid.*, p. 733.

⁵ *Ibid.*, pp. 738-743. Smith said that the increase in duties as proposed by the House would be four millions and a quarter, and that his calculation was "bottomed" on the report of the Register of the Treasury. The President had said in his message that an addition to the revenue was not wanted. [Indeed, the President said that there would be a surplus of nearly nine million dollars on the 1st of January.]

⁶ *Annals of Eighteenth Congress, First Session*, p. 743.

ments. Here it was referred on the same day to the Committee on Manufactures, which reported on the 14th of May.¹ The bill and amendments were considered in the committee of the whole on the day subsequent.² With a slight addition the Senate amendment for fifteen per cent. *ad valorem* duty on various cheap manufactures of cotton was agreed to. The Senate amendment for twenty-five per cent. on worsted goods and blankets was also adopted.

May 14, 15.

Most of the Senate amendments agreed to.

Among other Senate amendments which were accepted by the House of Representatives were one relating to silks imported from beyond the Cape of Good Hope, one decreasing the minimum of cotton goods, one striking out so much of the prospective duty on wool as increased the duty by an annual addition of five per cent., from thirty until it reached fifty per cent., and another striking out the duty on foreign distilled spirits. The House stood by four and a half cents on cotton bagging, but at first gave up the higher duty. But the vote was reconsidered, and a prolonged debate followed. By a vote of eighty-two to one hundred and eight the clause of the Senate amendment striking out the duty was negatived. The result of the final action of the House was therefore to strike out five and a half cents and insert four and a half cents as the duty.

But the House stood by its action on cotton bagging.

The Senate stood out for its amendments, and a conference was appointed on the 17th of May.³ A report was made on the following day, and after a prolonged debate was adopted. Cotton bagging was the chief point of difference. In the Senate J. S. Johnston, of Louisiana, said that it was a question between the Western and the cotton-planting States. Not one item, he affirmed, which had been introduced could benefit the latter. By a vote of twenty-one to twenty-five the Senate refused to recede from its amendment by which the duty on cotton

May 17.
Conference.

¹ Annals of Eighteenth Congress, First Session, pp. 2607, 2620.

² Ibid., pp. 2622-2629.

³ Ibid., pp. 2631, 2635.

bagging was stricken out. The other leading point of difficulty was the article of woollens. The settlement effected on May 19 was as follows: The House receded May 19. Settlement. as to woollens, with an amendment; the Senate, as to cotton bagging with a modification of price. The effect of the first part of the agreement was to charge all manufactures of wool, except flannels and baizes, the actual value of which at the place from which imported should not exceed thirty-three and a third cents per square yard, with a duty of twenty-five per cent. *ad valorem*. This subjected articles having wool as a component part to the same duties as other wool manufactures. By the second part of the report the specific duty of four and a half cents per square yard on cotton bagging was reduced to three and three-fourths of a cent.¹ It was Senator J. S. Johnston's proposition. The House yielded most in the arrangement. The Southerners were victorious in the matter of the cotton bagging. Many of the amendments adopted by the Senate were adverse to the views of the extreme protectionists. But the measure as a whole was the most radical step which had yet been taken to promote the interests of manufactures and of those agricultural products supposed to be dependent upon American manufactures.

At the opening of the Nineteenth Congress the Senate Committee on Commerce and Manufactures was divided, a Nineteenth Congress. committee for each subject having been created after a proposition from a Pennsylvania member for a jointure of the subjects of agriculture and manufactures had been rejected.²

A bill was reported on the 10th of January, 1827, in the second session of the Nineteenth Congress in the House of Representatives "for the alteration of the acts imposing

¹ Annals of Eighteenth Congress, p. 2675. The vote on concurring in the report was one hundred and twenty-five ayes to sixty-six noes. *Ibid.*, p. 2674.

² Made by Findlay. Register of Debates, pp. 1-4. From this time the Annals of Congress become the Register of Debates.

duties on imports.”¹ This was known familiarly as the Woollens Bill. Its provisions were very comprehensively stated and its principles ingeniously discussed by Mallary, when the measure came to be considered, a week later, in committee of the whole.²

1827. The
Woollens Bill.
January 10-17.

He said that the value of the manufacturing interest was forty million dollars; of flocks dependent on manufactures, twenty million dollars; landed interest devoted to the use of the flocks, twenty million dollars more,—in all, eighty million dollars was the amount of capital involved in the bill before the House. This great capital was in jeopardy. It stood on the brink of ruin. The tactics of British manufacturers, he claimed, gave them great advantage. Four-fifths of the goods were sold by agents, who made their invoices as they pleased, and there was ample evidence that such goods did not pay the amount of duties demanded by the tariff. Auction sales were another means of promoting their interest at the expense of the American manufacturer.

Cambreleg replied. He said that when the proper time arrived for vindicating the principles of free trade he trusted that he should be able to prove that they were of American and not of British origin.³ Considering the effects of the bill, he contended that one of them would be to charge a duty of two hundred per cent. on coarse woollen fabrics used by laborers, farmers, and mariners. It would be prohibitory. It was not a time to tamper with the tariff when our revenue was declining.⁴ Woollen manufacturers had speculated largely and unwisely, having increased the capital employed from ten to fifty millions. The next day Buchanan, saying he could not consent to any tariff which would protect the woollen interest alone, and that the time for legislation was too short, moved to discharge the committee of the whole from further consideration of the subject, and gave notice if that motion failed that he would move to lay the bill on the table. McLane, too, like Buchanan, a

¹ Register of Debates, Nineteenth Congress, p. 732.

² Ibid., pp. 733-744.

³ Ibid., p. 744.

⁴ Ibid., p. 745.

strong protectionist, was not prepared to support the measure in its present shape.¹ Others joined in criticising the bill, which was defended by Mallary, Davis, and Pearce. It was justified on the ground that it would prevent fraud on the treasury. It was opposed because of its feature of total prohibition.² Mallary, who was, with Davis, of Massachusetts, the main stay of the bill in debate, said that the effect would not be great except on the class of goods below one dollar and fifty cents.³ He estimated that one million five hundred and eighty-nine thousand dollars might be excluded by the bill. He did not give an explicit answer to Cambreleng's questions whether he (Mallary) wished to have a duty beyond thirty-three per cent. and whether his purpose was to revise the tariff or merely to enforce the existing duty. Most of the advocates of the bill denied that it was prohibitory.⁴ The motion to discharge the committee of the whole was negatived, by a vote of seventy-six to one hundred and twelve, on the 23d of January.

January 23.

Various proposed amendments were rejected. As reported, the minima were forty cents, two dollars and fifty cents, and four dollars; but a second minimum at one dollar and fifty cents was proposed by Barney, and adopted.⁵ The minimum principle was objected to by some of the friends of protection.⁶ Stewart defended it and the general principles of the bill with ability.⁷ Cook's motion to recommit, supported by Buchanan and other protectionists, was barely lost when Ingham, of Pennsylvania, also moved to recommit. The debate was prosecuted by Archer, who raised constitutional objections; by Bryan, who said that, although the South had lost one-third in the value of an increased crop in the year, it had not called for relief from the government; by Drayton, who denied that there were frauds in the revenue, and who asserted that

¹ Register of Debates, pp. 747-749, 785.

³ Ibid., p. 797 *et seq.*

⁵ Ibid., p. 891.

⁷ Ibid., pp. 904-911.

² Ibid., p. 786.

⁴ Ibid., p. 874.

⁶ Ibid., p. 902.

Britain's policy was more liberal than ours in that she repealed restrictions against foreign nations in her colonial trade, while we continued restrictions on her West India imports for eighteen months, and compelled her to revoke her policy.¹ The motion to recommit was rejected,—one hundred and one to one hundred and four. Several hostile amendments were lost.² On the 8th of February the bill was ordered to be engrossed for its third reading. It was then debated with great earnestness. On the 10th of February it passed the House by a vote of one hundred and six to ninety-five. The votes on the different stages of the measure were all very close.³

February 8.

February 10.
The Woollens
Bill passes the
House.

Buchanan exerted himself greatly against this bill. Ingham, McLane, and other old protectionists were also conspicuous in opposition. The Southern vote was nearly solid against it. The Western members were divided, but a majority supported the measure. Webster voted "yea." As it was a New England bill it was sustained by the New England members.

Change of position by some of the old protectionists. It was a New England measure.

The Woollens Bill was referred in the Senate on the 13th of February, after debate, to the Committee on Manufactures. Two days later it was reported. On the 19th of this month debate was resumed on the motion to refer the bill to the Finance Committee. The motion was defeated, as were two motions by Benton to recommit with instructions to equalize the duties on unmanufactured wool and wool in the skin with that on cloth, and to prohibit after January 1, 1828, the importation of foreign unmanufactured wool. Another motion, by Macon, to recommit, with instructions to report as to the effect on agriculture, manufactures, and finances, was also rejected.

February 13, 15,
19. In the Senate.

¹ Register of Debates, pp. 944, 968, 976.

² Ibid., p. 996.

³ Ibid., pp. 1028-1099. By ninety-seven to eighty-five, the demand for the previous question was sustained; by ninety to one hundred and nine, the House refused to adjourn; by one hundred and two to ninety-eight, it voted to put the main question.

The voting was close, as in the House.¹ The Congress was nearing the end, and the Senate refused to lay aside the military appropriation bill to consider the woollens measure.

February 28.
The bill lost by
Calhoun's cast-
ing vote.
Changes since
1824.

On the motion of Hayne the latter was, on the 28th of February, laid on the table by twenty-one to twenty, Vice-President Calhoun having given the casting vote. Thus the bill was lost.²

In the course of its consideration we have observed a number of personal changes since 1824. Henceforth Mr. Webster is to stand with his section in favor of protection. Pennsylvania Democrats are to support a modified protection, more on the principle of incidental protection than heretofore. Old Federalists, like McLane, are to co-operate with the Democratic party and oppose the ultra protective policy. The Vice-President is ever after to be leader of those State-rights Democrats who lean towards the doctrine of free trade.

Dickerson's bill to distribute annually for four years, beginning with the 1st day of January, 1828, five million dollars among the States in the ratio of direct taxation, was laid on the table at this session after an elaborate speech of explanation had been made by its author.³

A bill for the reduction of special duties on salt passed the Senate after considerable debate at the same session.

Salt. It was stoutly opposed by the New York Senators, Sanford and Van Buren.⁴ Woodbury urged that it was a war measure; that its reduction would not seriously affect treasury operations; that consumption had nearly doubled in England upon the cutting off of thirteen-fifteenths of the salt excise, and that the bill would leave the manufactures of salt protected three times as much as those of iron, woollen cloths, or gunpowder.⁵ On the

¹ The votes on Benton's motions were, on the first, twenty-three ayes to twenty-four noes; on the second, twenty-two yeas to twenty-five nays.

² Register of Debates, pp. 337, 348, 381, 387, 390, 488, 496.

³ Ibid., pp. 209-223.

⁴ Ibid., pp. 230, 245.

⁵ Ibid., pp. 232-239.

other side, it was denied that manufacturers reaped one hundred per cent. by the duty.¹ A general bill to reduce this duty was laid on the table December 20, 1827.²

A bill also passed the Senate reducing the duties on teas, wines, and coffee.³ It failed in the House.

On the last day of January, 1828, Mallary, from the Committee on Manufactures, reported a tariff measure, consideration of which was begun in committee of the whole on the 3d of March, and continued, with only occasional interruptions, until the 22d of April following.⁴

Mallary spoke for two days, and for the most part employed the arguments in vogue since 1816 in defence of the protective theory.⁵ The policy of protection was necessary in order to prevent a most powerful and dangerous monopoly,—that of the mercantile interest on the seaboard,—which he called a moneyed aristocracy that would be resistless. In 1826 the Southern exports were nineteen million and thirty-nine thousand dollars; for all the rest of the United States the exports were only one million, three hundred and sixty-one thousand dollars in amount. He stated that the efficient protection on bar-iron, with duty, exchange, and freight, was above one hundred per cent. The proposed duty in addition was four dollars and forty-four cents on hammered and seven dollars on rolled iron. The protection on the first was sixty-seven per cent., on the last one hundred and twenty-one. Pig-iron was advanced twenty-five per cent., steel fifty per cent., or one

Teas, wines,
coffee.

1828, January 31.
The tariff bill of
1828.

Mallary.

¹ Register of Debates, p. 239.

² Ibid., p. 603. After discussion. It was by Harrison, and contemplated a reduction from twenty to fifteen cents the first year, and ten cents the following years. Register of Debates, p. 3.

³ Ibid., p. 346; Journal, p. 185.

⁴ Register of Debates of Twentieth Congress, pp. 1274-2471. Only the heads of discussion with a few of the more cogent points in quotation will be furnished, as much of it was a mere repetition of previous tariff debates.

⁵ Ibid., pp. 1729-1749.

hundred and fifty dollars per hundred. In regard to woollen manufactures, he assigned as causes of depression the low price of wool in Europe as most important, then sales at auction and credit for revenue duties, also evasions of the duties and the irregularity of the market. He said that the tariff of 1816 revived hopes, but only for disappointment. The tariff of 1824 was delusive. Differing from the Committee on Manufactures, he did not wish for an additional duty on wool. Indeed, he was fully confident such a duty would drive the manufacturer out of the country. He would prefer a specific duty of eighteen or twenty cents on wool costing more than eight cents a pound. The bill proposed seven cents specific duty and an increasing duty to fifty per cent. *ad valorem*. He complained of the small difference in minima, which in the bill was fifty cents and one dollar for the lower grades. He proposed to fix the first year's duty at forty per cent. for coarser fabrics, with a rise of five per cent. until fifty should be reached. The second minimum he would make two dollars and fifty cents. The proposed hemp duty was too large, and he opposed the additional duty on molasses because it would injure an important trade in the Eastern States. "New England takes your flour; Europe does not," he ingeniously argued. Barney antagonized Mallary's amendment. He also offered testimony as to the inferiority of American

Stevenson. flax.¹ Stevenson, of Pennsylvania, a member of

the Committee on Manufactures, in advocating the bill, stated that the product of pig-iron in the United States was one hundred and one thousand tons or sixty-seven thousand tons hammered bar-iron. Three-tenths of what was used was imported.² He contended that the aggregate increase of protection to the wool-grower was two hundred and fifty-one thousand, two hundred and seventy-six dollars.³ He admitted that duties were placed comparatively high on the more costly woollens. This speech was in reply to Mal-

¹ Register of Debates of Twentieth Congress, p. 1751.

² Ibid., p. 1760.

³ Ibid., p. 1768.

lary, but he combated Webster's argument in the matter of the molasses tax. He said that the duty had not been inserted to weigh down the bill, because in 1824 Clay was its author.¹ He advocated protection of agricultural products as well as of manufactures. Anderson, of Maine, attacked the bill as prohibitory.² There was no necessity for raising duties on iron, steel, spirits, hemp, flax, and molasses, and he disputed the claim that woollen manufactures were depressed more than other industries. Claiborne thought that "incessant augmentation of duties on imported articles to favor manufacturers was a dangerous procedure."³ Some of the nations of the earth might also prohibit some of our great staples. The vast and valuable products of the South were as important to the North as they were to the South, because they gave employment to ships and seamen.⁴ Wright, of New York, avowed that he was the author of the report accompanying the bill. He stated that "one leading principle which operated upon his mind in the formation of the present bill was that it was not and could not be the policy of this government or of this Congress to turn the manufacturing capital of this country to the manufacture of a raw material of a foreign country while we did or could produce the same material in sufficient quantities ourselves." Replying to Mallary, he said he believed that the United States now produced sufficient quantities of coarse wool for every demand of present manufactures. But if that was not the case, he asked if it was sound policy to import the wool free of duty. His whole argument on this head was based on supposition. He had no certain data for wool-growing except the figures for New York in 1825. But he estimated the whole number of sheep at thirteen million, eight hundred and nine thousand, six hundred and seventy-eight. "Suppose," he continued, "sixty millions to be the correct amount consumed of woollen

Claiborne.

Wright.

¹ Register of Debates of Twentieth Congress, p. 1771.

² Ibid., p. 1773.

³ Ibid., p. 1793.

⁴ Ibid., p. 1794.

goods in the country." The value of the raw wool was half the face value. Of the supposed sixty millions not far from fifty millions were manufactured in the United States. The manufactures upon the seaboard used none of the coarse domestic wool of the country. He declared that there was no evidence that the manufacture of coarse wool had increased in proportion to the increase in the importation of the material. He asked if Congress would adopt a provision the effect of which would be to repeal the duty already imposed upon foreign wool. He stated the general rule to be that the cost of wool and the cost of manufacturing it into cloth were about equal. In order, however, to give the American manufacturer equal advantage it was necessary to add sufficient duty to amount to sixty-five per cent. upon the cost in England of the wool used there, as the Americans paid a medium price of sixty-five per cent. more for their raw wool used in manufacture than their English rivals did. He differed from the Committee on Manufactures and thought that fifty per cent. would pay the duty, costs, and charges.¹ On the 12th of March, Davis, of Massachusetts, replied to Stevenson and Wright. He

March 12. contended that the early policy upon revenue
Davis. measures was protective and not merely for revenue.² He said that the prices of most woollen goods, such as negro cloths, flannels, coarse cassimeres, satinettes, and broadcloths, had been reduced by the duty forty to fifty per cent. Yet he made this admission: "I believe I hazard nothing in saying that most branches of manufacturing in this country have been commenced and prosecuted to a considerable extent unaided by any special legislative interference."³ Difficulties in the way of this statement were thus met: "It seems paradoxical that a branch of industry requiring mechanical skill and capital should in the hands of inexperienced men establish itself and rise by its vigor into sufficient magnitude and importance to attract the

¹ For Wright's speech, see *Register of Debates*, pp. 1835-1870.

² *Ibid.*, p. 1883.

³ *Ibid.*, p. 1887.

notice of the nation, and then be unable to maintain itself." He undertook to give the explanation. The price had fallen and England, having overstocked the market, was able to hold up, while domestic manufacturers were driven to ask protection. He opposed Wright's reasoning respecting the sufficiency for our market of American cheap wool on two grounds: 1, It was not as cheap as the imported article; 2, it was not obtainable.¹ "Whatever," said this Representative of Massachusetts, "means to aid the wool-grower must place the manufacturer in a condition to purchase." Martindale said, "Cotton is cheaper here than in England, and yet the American manufacturer needs protection." Labor, he explained, was lower in England. "You must," he insisted, "regulate prices here by the cost of production here, the only standard of value here."² Barnard, a protectionist, said that it was national and not individual monopoly that was wanted.³ He declared that if the proposed reduction on cloths costing fifty cents and under was made he would not vote for the bill; and he supported Mallary's substitute. Ingham on the 18th and Hoffman on the 20th and 25th of March opposed the amendment and supported the original measure.⁴ The latter stated that the total number of sheep in the United States was twenty-two millions. The square yard duty of sixteen cents proposed in the bill was equal to sixty per cent. on fifty cent cloth. He thought that that was abundant protection. Labor, this speaker asserted, was as cheap in the United States as it was in England.⁵ Compared with this bill the celebrated Woollens Bill of 1827 was weak and defective. The latter did not in any case affect to raise the duty except in so far as the minimums could do it.⁶ He replied to Barnard's charge that there was a bargain between the friends of the bill and the Southern members by a general

Barnard.

Ingham,
Hoffman.
March 18-25.¹ Register of Debates, p. 1890.³ Ibid., p. 1930.⁵ Ibid., p. 1988.² Ibid., p. 1906.⁴ Ibid., pp. 1938, 1958.⁶ Ibid., p. 1992.

denial of its truth. Both gentlemen were excited in the discussion. A Massachusetts member declared that there

Bates.

was not only power to legislate on the subject, but that pledges had been given in 1789, 1816, and 1824 that legislation for the protection of manufactures should follow: the effect of which argument was that the giving of one loaf made it necessary to give two, four, eight, and so on *ad infinitum*.¹ He contended that the duties in the bill were too low at the minimum points; that these points were too near each other, and that the duty upon wool was disproportionately high, so reducing the duty upon woollens, or so affecting the bill that it defeated itself.² Denying that protection was a political measure, he said he was friendly to the administration because it supported the American system. This member (Bates) made an indirect admission that the bill was throughout obnoxious to the objection that

Forward.

the duties were excessive.³ Forward, of Pennsylvania, maintained that American wool was sufficient for the domestic market. Mallary's amendment was rejected by a vote of seventy-eight to one hundred and two. He immediately offered others abolishing the one dollar minimum. These amendments were debated the

Buchanan.

next day. Buchanan opposed them with strong arguments. In his opinion no combination of wool-growers and woollen manufacturers should even attempt to dictate a tariff to the people of the United States. He declared that Pennsylvania had not sustained the Harrisburg propositions. The legislature drew the line between protection and prohibition.⁴ He said that should the Mallary amendment be adopted, no goods between fifty cents and two dollars and twenty-five cents could be imported. The Woollens Bill of 1827 differed from the amendment pending in that the former proposed no increase of *ad valorem* duty and it had a minimum between fifty cents and two dollars and fifty cents. Under the amendment the

¹ Register of Debates, p. 1999.

³ Ibid., p. 2012.

² Ibid., p. 2004.

⁴ Ibid., p. 2040.

ad valorem duty was increased from thirty-three and a third to fifty per cent. Buchanan admitted that more protection was needed, but he would give it in "the ancient *ad valorem* manner."¹ Mallary's and several other amendments were rejected.² Sprague, on April 1, showed that the bill would increase the duties on ship-building materials.³

Buchanan took a large share in the debates. His speeches on this tariff appear to mark a dividing line on the tariff question. He replied to the New England protectionists that, if the American system was to protect New England manufactures and abandon Pennsylvania farmers, he would rejoice at its grave.⁴ He predicted that there would be no more exclusive tariffs for the benefit of any one portion of the Union, and he said explicitly that the tariff of 1824 partook much of this character. In the discussions upon the pending tariff bill the clashing of interests between the various industries seeking protection was greater than on any previous occasion. Up to the time at which we have now arrived the Southern members had been patient spectators, with one or two exceptions, having taken no part in the debates. Following the sarcastic speech of Buchanan, Bryan, of North Carolina, explained his reasons for breaking this silence. He said that the article of molasses was one which his constituents imported in great quantity from the West Indies. North Carolina's only foreign trade was with those islands. Her tonnage, only slightly inferior to that of Virginia, was greater than that of any State to the southward.⁵ Carson, also from North Carolina, opposed both the pending proposition and the bill.⁶ Stanberry, of Ohio, contended that, if there were any soundness in the usual argument in support of the protective system, manufactories in Ohio could not flourish unless she could also protect them against

A dividing line.

The South
breaks silence.

¹ Register of Debates, p. 2042.

² Ibid., p. 2050.

³ Ibid., p. 2057.

⁴ Ibid., p. 2092.

⁵ Ibid., pp. 2110-2118.

⁶ It was on a motion to increase the duty on molasses.

the injurious effects of New England competition.¹ This was the Western argument as against the Eastern States, and it was also employed as against the Southern argument. The same speaker said "that the West India planters cannot afford to receive American commodities unless the Americans continue to receive in return for them West India produce is the argument of the Southern States against the whole American system, and this is now the argument of the Eastern States in opposition to increase of duty on molasses. And just as the New England argument is that England will be compelled to take and pay for in cash our cotton, so the West Indies will be forced to have our fish and lumber, and pay for them, if need be, in money."² Reed, of Massachusetts, accused

Massachusetts
taunts Pennsylv-
vania.

Pennsylvania of giving New England a tariff which they did not want, and then, when manufacturing was stimulated and afterwards needed further support, refusing it,—“the warm tariff,” he said, “waxed cold.”³ Moore complained that corn in Kentucky was fifty cents a barrel, and stated that hemp was not of so much importance as to make it necessary to insist on a high duty. There were intimations that the political alliance between Clay and Adams had changed a part of the Kentucky vote on the question of taxing molasses.⁴

Hemp; whis-
key; cotton
bagging; mo-
lasses.

There was a conflict between the hemp-growers, who were also manufacturers of whiskey, and the cotton-bagging manufacturers, who sought the aid of New England by favoring a low molasses duty.⁵ Clark's amendment, which provided for such a duty and also a duty on unmanufactured as well as manufactured hemp, was adopted on the 4th of April. Twenty-two different amendments were defeated, when the bill was reported to the House from the committee of the whole.⁶

On April 7 an unsuccessful attempt to amend the woollen schedules, so far as they related to blankets, worsted stuffs,

¹ Register of Debates, p. 2120.

³ Ibid., p. 2154.

⁵ Ibid., pp. 2164, 2178.

² Ibid., p. 2122.

⁴ Ibid., p. 2175.

⁶ Ibid., p. 2188.

and bombazines, was followed by a like effort (with a similar unsuccess) to increase the duty on manufactures of hemp and flax other than cotton bagging.¹ Gurley and Moore held that the promises made in 1824, that cotton bagging would be reduced in consequence of the higher duty imposed, had not been realized. Little more than half of the demand was supplied. It had been necessary in the South to establish a factory for the making of cotton instead of hemp bagging.² Chilton, for Kentucky, complained not of the price the manufacturer received, but of the fact that so much of the article was imported. On Buchanan's suggestion, the mover consented to five cents as the duty in place of five and a half.³ By a vote of one hundred and twelve to seventy-seven the amendment was then adopted. Thirty per cent. additional duty on spirits was imposed, the amendment of the committee of the whole having been adopted.⁴

April 7.

Various defeats.

Woollens.
Stewart.

On the subject of woollens, Stewart said that it was better, evidently, for the farmer that the raw material should be imported than the manufactured article. For the enormous increase of fifteen to one hundred and fifty per cent. on coarse wool not produced in the country only three and a third per cent. increase was offered to the manufacturer. While hemp and flax were raised about one hundred per cent., their products, except "duck," had not been protected additionally. It was nearly the same thing of iron and its manufactures.⁵ Stewart claimed that there had been a great reduction of prices under the protective tariff, and the table he presented appeared to bear out his statement. He also alleged that the tariff of 1824 had nearly doubled the cotton export to Great Britain the following year.⁶ Barney, in a subsequent stage of the discussion, predicted that a number of

¹ Register of Debates, p. 2200.

² Ibid., p. 2203.

³ Ibid., p. 2208.

⁴ This amendment was to strike out ten and insert thirty.—Register of Debates, p. 2222.

⁵ Ibid., p. 2224.

⁶ Ibid., p. 2240.

railroads and projected railroads in various States would be interfered with by the proposed increase in iron duties. The answer to this was the adoption of Stevenson's amendment extending the duty to bolt-iron.¹

On the same day the discussion reverted to the principle of minimum *versus* progressive *ad valorem* duties. Mallary advocated the former, but yielded the floor to Buchanan, whose modification of the amendment of Mallary provided for progressive duties of thirty to forty and forty to fifty per cent. *ad valorem*. Ingham's amendment of the Buchanan amendment, which was to strike out the progressive duties, was rejected.² Wright, of New York, favored a return to minimum duties, as being better for the manufacturers upon their own statements. Finally, on the 10th of

April 10.
Original mini-
ma re-es-
tablished.

April, after an elaborate discussion, the House adopted Sutherland's amendment, which re-established the original minima: fifty cents, one dollar, and two dollars and fifty cents; for the first, forty cents the square yard on goods between two dollars and fifty cents and four dollars; exceeding four dollars, forty-five per cent. *ad valorem*.³ The high protectionists objected to the one dollar minimum. Sutherland's amendment, unlike Mallary's, contained a specific duty of four cents on the pound on wool. For that reason it was favored by Hoffman and opposed by Bates.⁴ The extreme protectionists

The Mallary-
Sutherland
amendment
adopted.

voted with the opponents of the bill to recommit it, but the motion was rejected.⁵ At last, all other propositions having been defeated, the Mallary amendment, as amended by that of Sutherland, was adopted,—one hundred and eighty-three to seventeen.

Heretofore all the provisions of the bill were for the benefit of the Northern farmer or manufacturer. On the 14th of April Haile, of Mississippi, proposed and advocated vigorously a prohibitory duty

¹ Register of Debates, pp. 2247, 2252.

² Ibid., p. 2260.

⁴ Ibid., p. 2284.

³ Ibid., pp. 2267, 2290.

⁵ Ibid., p. 2307.

on indigo and castor oil. The latter article was dropped, but the proposition to tax imported indigo at twenty-five cents a pound, with an annual increase of ten cents, amounting in all to seventy-five cents, was Indigo. favored by McDuffie and Livingston, and opposed by Hamilton, of South Carolina.¹ Stewart, of Pennsylvania, and Burges, of Rhode Island, also opposed the proposition. Drayton, of South Carolina, who was hostile to Drayton and Stewart. the duty on general grounds of opposition to all protective measures, asked Stewart several difficult questions, convicting him of proclaiming that he had always voted for an increase of the tariff, while on the particular item at issue he urged that the proposed duty would be onerous upon the manufacturer. "Is the inhabitant of the South not oppressed by the enormous tax upon woollens to which he has been so long subjected? Are his interests to be disregarded when they conflict with those of the East and North? Are these the fruits of the boasted American system?"² Cambreleng was surprised to see gentlemen who favored protection in opposition to the amendment. Haile urged Southern men to vote for the duty A game of snatch. on indigo, and declared that the way the tariff question was managed it was a "mere game of snatch."³ After further consideration the amendment was adopted by a vote of one hundred and three to ninety.⁴

The bill was now placed in the critical condition of a risk of defeat by some of its own friends voting In danger of defeat by its friends. against it on account of certain features, objectionable to their constituents, which had been incorporated into it. A movement to strike out or to reduce the molasses duty drew forth a bevy of curious explanations. It was proclaimed by Southern and some Northern opponents of the measure that they would vote to keep the molasses duty in to influence votes against the bill on its final passage. A South Carolina member said that he

¹ Register of Debates, p. 2322.

² Ibid., p. 2325.

³ Ibid., p. 2329.

⁴ Ibid., p. 2332.

wished that the poor might be made to feel its oppressive operation, that a stronger interest might be created in the A Southern country against the tariff system.¹ Another opinion.

gentleman said that "the Southern country could furnish molasses enough for the whole country," and Livingston, of Louisiana, wished that his constituents should have some of the advantages of the bill, if any were to grow out of it.² Amendments to reduce from ten to seven and a half cents per gallon and to strike out the duty were lost.³ The yeas and nays on the previous question were

The previous ordered by one hundred and ten to ninety-one. question.

Among the "nays" were such extreme protectionists as Bates, of Massachusetts, Burges and Sprague, of Rhode Island, Martindale, of New York, Stewart, of Pennsylvania, and Wright, of Ohio. On the main question the yeas were one hundred and nine, the nays ninety-one. On this vote the Southern members and the straight free-traders, like Cambreleng, were recorded "nay." Buchanan, Hoffman, Ingham, Stevenson, Sutherland, and Wright, of New York, were found voting yea with Mallary, Burges, Taylor, and other high protectionists. They had the most of that which they desired, if there was a measurable disappointment for the latter group. Bates and Davis, of Massachusetts, voted "no." The dissatisfaction of some of the extreme pro-

New England tectionists of the manufacturing districts, especially in New England, was profound. Pearce, of Rhode Island, announced his intention to vote for Randolph's motion for indefinite postponement.⁴ Debate on the passage was continued with great earnestness until the 22d of April. The argument against the bill was chiefly that by prohibiting wool a temporary benefit to the wool-growers would result in serious injury to the manufacturers. McDuffie spoke on the 18th of April of the silence of "the peculiar and destined victim," the Southern States, on the occasion, and examined the question of profits of woollen

¹ Register of Debates, p. 2344.

² Sutherland, *Ibid.*, pp. 2335, 2346.

³ *Ibid.*, p. 2347.

⁴ Register of Debates, pp. 2348, 2356.

manufacturers, the price of labor and what he called "this system of sectional combination." He attempted ingeniously to prove that woollen manufactures could be made in Great Britain for little more than half the price it would cost to make them in the United States and that the difference grew out of permanent causes.¹ He contended, against the Harrisburg convention, that a given quantity of wool could be worked for one-third less in Great Britain than in this country. The duty on wool manufactures was either a benefit or a burden: if the former, how could an additional bounty be imposed at the community's expense; and if a burden, as he believed it was, how infamous the delusion practised upon the farmers!² McDuffie, saying that the South was for free trade because of its position, and not on sentimental grounds, declared he would not undertake to say that that section would not be tempted to join "this plundering expedition" if a tariff could be so regulated as to increase the price of cotton. He contended that it was a contest between less than one hundred thousand manufacturers and farmers against all the other manufacturers and farmers in the country, and against the whole Southern population. The severance of the Union and loss of liberty, if it ever came, would be ascribable to such measures. No imposture was equal to it.³ Barbour, Alexander, and Hamilton, all Southerners, followed in brief speeches. The constitutional argument, waived by McDuffie and only hinted at by Barbour, was entered upon fully by the Virginian, Alexander. Hamilton said that there was a state of feeling throughout the Southern States which no prudent man would treat with contempt and no patriot would not desire to see allayed. Thompson, of Georgia, and Martin, of South Carolina, maintained the devotion of the South to the Union.⁴ But for the occasion the parties to the sectional struggle were changed. Sharp tilts between the Eastern

The South for
free trade be-
cause of its po-
sition.

¹ Register of Debates, pp. 2382, 2384.

³ Ibid., p. 2405.

² Ibid., p. 2393.

⁴ Ibid., pp. 2435, 2451, 2470.

and Western speakers occurred.¹ The previous question on the passage of the bill was taken on the 22d of April,

April 22.

Passage in the House. and resulted in a vote of ayes one hundred and twenty-two to noes sixty-three. The bill passed the House by one hundred and five to ninety-four.

The yeas were S. Anderson, Armstrong, Baldwin, Barber, Barlow, Barnard, Beecher, Belden, Blake, Brown, Buchanan, Buck, Buckner, Bunner, Burges, Chase, Chilton, J. C. Clark, J. Clark, Condict, Coulter, Creighton, Crowninshield, Daniel, John Davenport, De Graff, Dickinson, Duncan, Dwight, Earll, Findlay, Forward, Fry, Garnsey, Garrow, Green, Harvey, Healy, Hobbie, Hoffman, Hunt, Jennings, Johns, Keese, King, Lawrence, Lecompte, Leffler, Letcher, Little, Lyon, Magee, Mallary, Markell, Martindale, Marvin, Maxwell, McHatton, S. McKean, W. McKean, Merwin, Metcalfe, Miller, Miner, J. Mitchell, Thomas P. Moore, Orr, Phelps, Pierson, Ramsey, Russell, Sergeant, Sloane, Smith, Stanberry, Stevenson, Sterigere, Stewart, Storrs, Stower, Strong, Swan, Swift, Sutherland, Taylor, H. Thompson, Tracy, E. Tucker, Vance, Van Horn, Van Rensselaer, Vinton, Wales, Whipple, Whittlesey, Wickliffe, Wilson, J. J. Wood, S. Wood, J. Woods, Woodcock, Wolf, S. Wright, J. C. Wright, Yancey. The negative vote was as follows: Alexander, Robert Allen, S. C. Allen, Alston, J. Anderson, Archer, Bailey, P. P. Barbour, Barker, Barringer, Bartlett, E. Bates, I. C. Bates, Bell, Blair, Brent, Bryan, Butman, Cambreleng, Carson, Carter, Claiborne, Conner, Crockett, Culpeper, Thomas Davenport, J. Davis, W. R. Davis, Desha, Dorsey, Drayton, Everett, Floyd, Fort, Gale, Gilmer, Gorham, Gurley, Haile, Hallock, Hall, Hamilton, Haynes, Hodges, Holmes, Ingersoll, Isacks, Johnson, Kerr, Lea, Livingston, Locke, Long, Lumpkin, Marable, Martin, McCoy, McDuffie, McIntire, McKee, Mercer, J. C. Mitchell, Gabriel Moore, Newton, Nuckolls, Oakley, O'Brien, Owen, Pearce, Plant, Polk, Randolph, Reed, Richardson, Ripley, Rives, Roane, Sawyer, A. H. Shepperd, A.

¹ Register of Debates, pp. 2452, 2453.

Smyth, Sprague, Taliaferro, W. Thompson, Trezvant, S. Tucker, Turner, Varnum, Verplanck, Ward, Washington, Weems, Wilde, Williams, Wingate.¹

Among the nays were those members of the Massachusetts delegation who had made such strenuous opposition to the prominent feature of the bill, the duty on wool.

The debate began in the Senate May 5. Amendments proposed by the Committee on Manufactures on the iron and wool schedules were rejected. May 5
Debate in the
Senate. Specific duties were stricken out in section 2, and a minimum was substituted, which changed the duty from forty to fifty per cent. *ad valorem*.² The casting vote of the chair rejected the amendment, including woollen blankets at forty per cent. *ad valorem*.³ Fifty per cent. *ad valorem* on ready-made clothing was agreed to.

In advocating the duty on molasses as an encouragement to Western distillers, Benton said that whiskey was "the healthiest liquor that was drank, as Benton on the
healthfulness of
whiskey. men were known who had been drunk upon it for forty or fifty years, whilst rum finished its victim in eight or ten years."⁴ The House had refused to adopt higher increased duties than fifty per cent. on lead and shot, products of Missouri. Benton stated that he and Kane, of Illinois, had agreed to present an amendment in the Senate for an increase of one hundred per cent. He admitted that it might be thought to be high, but added that if it was rejected there was nothing in the bill which could induce him to vote for it.⁵ The lead duty as Lead. proposed was adopted.⁶ The bill as amended was reported to the Senate on the second day, and the first five amendments on woollen cloths and those on carpeting, ready-made clothing, and lead were adopted.⁷

Many of the arguments were the same as those that had been used in the House and need not be repeated. As in

¹ Register of Debates, First Session, Twentieth Congress, p. 2471; House Journal, First Session, Twentieth Congress, p. 607.

² Ibid., p. 725. ³ Ibid., p. 726. See also 734, where the vote is repealed.

⁴ Ibid., p. 726. ⁵ Ibid., p. 729. ⁶ Ibid., p. 732. ⁷ Ibidem.

1824, it was alleged and denied that the tariff was evaded by importers. Parris, of Maine, opposed the bill strongly because it would increase the revenue unnecessarily, taking from the people what the public service did not demand. Dickerson retorted, "How had Maine gained her prosperity but by discriminations in favor of American tonnage and protection of the fisheries?"¹ Smith, of Maryland, and Parris, in reply, claimed that Maine's prosperity was due to other causes. The operation of the bounty was not on the fisheries, but on the consumption of salt.² The low-tariff men also argued that the fall in the price of iron was not due to moderation in the domestic manufacturer, but to railroads in England and to water instead of land carriage in the Scandinavian states.³

Hayne said that Dickerson, in answer to Parris's complaints with respect to the oppressive operation of the bill on New England shipping had condoled with him by saying that they had only to transfer the tax to those in whose service the New England shipping was employed,—in other words, don't mind the tax, put it on the South. He asserted that Southern interests had been shamefully sacrificed from beginning to end.⁴

After many allusions had been made on both sides to New England's change of policy, Webster explained the reasons to be assigned for it. It was laid to her charge in 1824, he said, that, having established her manufactures herself, she wished that others should not have the power of rivaling her, and therefore opposed all legislative encouragement. Now, he continued, the imputation is of precisely an opposite character. Both charges, he insisted, were without foundation. After the solemn promulgation of the policy of the government, which he claimed was a final declaration, was New England to deny herself the use of her natural and acquired advantages? Was she to content her-

¹ Register of Debates, p. 744.

² Ibidem.

³ Ibid., p. 745.

⁴ Ibid., p. 746.

self with useless regrets,—to resist what she could no longer prevent? Proceeding, he argued, that the passage of the tariff act of 1824 and of an act by the English Parliament, shortly afterwards, reducing the duty twenty-six per cent. on imported wool gave the British manufacturer great advantage, and afforded ground for another measure, advocacy of which was reinforced by consideration of hopes excited, enterprises undertaken, and capital invested in consequence of the tariff act of 1824.¹ Webster said that the object in taxing molasses was to make New England feel the smart of the bill and deter her from the protection of her extensive woollen factories. It was abominable. He grew loftily indignant, and declared that it was impossible to intimidate New England. He lectured the North Carolina Senators, whom, he said, by their votes laid a burden on their constituents, large importers and consumers of the article.² The bill could not be what it had been termed, “a bill of abominations,” because its operation was merely to create a market for the wool-grower.

Webster, opposing the increased duty proposed on hemp, offered a substitute, the effect of which was that the Navy Department should be directed to purchase for the use of the navy of the United States American water-rotted hemp, when it could be procured of a suitable quality, and at a price not exceeding by more than twenty per cent. the price of the imported article. Upon this Johnson, of Kentucky, said that New England was ready to desert the West. The debate was participated in by Webster, Benton, Smith, of Maryland, Dickerson, Tazewell, and Rowan. On division of Webster's proposition only ten Senators—all from New England—voted to strike out the hemp duty, while thirty-six votes were recorded against striking out.³

Benton proposed a duty of twenty-five cents a pound per year on indigo “in order to revive an ancient industry of the South.” It was a progressive duty, to stop at one dollar

¹ Register of Debates, p. 753.

² Ibid., p. 756.

³ Ibid., p. 765. The ayes were Chandler, Foot, Knight, Parris, Robbins, Seymour, Silsbee, Webster, Willey, and Woodbury.

per pound. The act of 1816 had reduced the duty from twenty-five to fifteen cents. Macon, Smith, of Maryland, Benton, and Hayne spoke for the amendment, and Dickerson, Knight, and Woodbury opposed it. Dickerson said, "We struggle against an unnecessary imposition, one which will not aid the agriculturist and yet will injure the manufacturer." Benton accused Dickerson of having changed front on this question of protecting products. The latter's proposition limiting the ultimate duty to fifty cents was adopted, and another amendment provided that the increase should be ten cents for the first year and five cents for each succeeding year. Benton averred that this was an insult to the South. That section was to be allowed twenty per cent. on the article for five years, while the cloths of New England were placed at seventy per cent. *instanter*.¹ Motions to increase cordage duty five cents and for a progressive duty on wool in the skin, making the latter prohibitory in four years, were lost.² Benton, the mover, also proposed a duty of ten per cent. per annum on unmanufactured wool until it should arrive at fifty per cent. *ad valorem*., and five per cent. afterwards up to seventy per cent. It was rejected, as was also his motion to increase the proposed amount on molasses from ten cents to sixteen.³ He debated this proposition with remarkable ability. Accepting Webster's statement that the article was used principally in New England and as a substitute for sugar, he said, "While the statesmen of 1790 estimated that molasses should be taxed in the rate of eight cents per gallon for one pound of sugar, the duty now stood three cents on brown sugar and only five cents per gallon on molasses. Thus New England got its sugar at a disproportionately low rate compared with the rest of the union, which on account of the difficulty of transportation could not use sugar."⁴ Benton was very active in his efforts against this bill, which were mostly unsuccessful. His amendments to strike out the duty on

¹ Register of Debates, p. 775.

² *Ibid.*, pp. 775, 776.

³ The existing rate was only five cents per gallon.

⁴ Register of Debates, p. 777.

woollen blankets, to tax furs thirty-three and one-third per cent., to lay a duty of ten dollars per ton on hemp until the duty amounted to ninety dollars were all rejected. So also was the proposition of Smith, of South Carolina, to strike out the cotton bagging duty, based chiefly on the fall in the price of cotton, which was felt severely by the planters.¹ The Senate changed the date on which the bill was to go into operation from June 30 to September 1. By a vote of twenty-six to twenty-one it was ordered to its third reading. The vote was very nearly sectional; but Chandler, Parris, Robbins, Silsbee, and Woodbury, New Englanders, voted with the Southern Senators in the negative.² On the question of passage Hayne spoke at length in opposition. He protested solemnly against it as a partial, unjust, and unconstitutional measure, and moved an indefinite postponement. Although on this vote some of the Northern opponents of the bill abandoned Hayne, the vote remained as to figures as before,—twenty-six to twenty-one.³

¹ Register of Debates, p. 784.

² Two Southern Senators then classed as Western voted nay. These were Johnston, of Louisiana, and White, of Tennessee. Register of Debates, p. 785.

³ Parris, Robbins, Silsbee, and Woodbury voted in the negative. The act was approved May 19. Register of Debates, p. 786.

CHAPTER IV.

THE DEBATE OF 1830 AND OTHER EVENTS.

THE tariff of 1824 stimulated manufacturing enterprises. Lead-mining and manufactures began in Missouri and iron-mining in Virginia. Four years later there were cotton factories in North Carolina and Georgia. Indeed, throughout the Northern and in parts of the Western and Southern States there was a great growth of manufactures.¹

The increase of manufacturing was accompanied by a strong revival of the protection spirit which entered parties and controlled the action of politicians. The administration of Mr. Adams was distinctively in favor of the policy of protection. The Secretary of State was the leader of the protectionists. On the other hand, General Jackson, who in both of his terms in the Senate had co-operated with the protectionists in vote and speech, became the leader as well of the anti-protectionists as of the anti-administrationists.² But the opposition to the great economic feature of the administration was not simply political. The commercial bodies in the large cities, as well as the planters and farmers in the South and Southwest, made strong protests. Organized political movements began in South Carolina and Virginia about the time of the Harrisburg convention, and the arrangement of the programme for further protection. Resolutions were passed by the legislature of the

¹ *Niles's Register*, August 12, October 21, 1826 ; August 9, 1828. In that latter year three cotton factories were in existence in North Carolina, and one was started in Georgia.

² But Jackson, as we shall see, did not go to the extreme.

latter State, and adopted by the public meetings held in the former, during the spring and summer of 1827. Mr. Madison opposed the anti-tariff declaration of Virginia, but he and Mr. Monroe refused to permit the use of their names on the Adams or anti-Jackson electoral ticket.¹ The tariff convention of July 30, 1827, at Harris-
Effect of the
Harrisburg con-
vention.
burg did not consolidate the protectionist strength, for Buchanan and many others of less prominence changed position in opposition to the views there advanced. The proposed duty on wool and woollen goods was resisted by not only the commercial centres, but by a class of the manufacturers, as we have seen in the previous chapter on the tariff debates. The bill of 1828 fell short of the expectations of many
Of the bill of
1828.
of its friends, wool-growers and manufacturers. But flags on some of the vessels in Charleston harbor were placed at half mast, many meetings were held in the State of South Carolina and some elsewhere, and Southern newspapers began an agitation against the tariff. Even in the earliest meetings disunion was talked of by some
Non-intercourse
and disunion.
Early meetings.
of the South Carolina speakers, and in several of them non-intercourse resolutions were adopted. Writers in the leading journal of South Carolina, the Charleston *Mercury*, advocated separation and war as the last resort, and such was also the language of some of the toasts at public dinners and other gatherings of the people. There was a moderate party in favor of union, but opposed as much as the other to the tariff and the protective principle. And at first the leaders
The Union party
opposed to the
tariff.
of the extreme State-rights party urged moderation. One of the toasts at the Fort Moultrie celebration, June 28, 1828, was, "The advocates of disunion. Palsied be the arm and withered the heart of him who would attempt to destroy this fair fabric of liberty."²

¹ See *Niles's Register*, October 10, 1827, for the former's letter to the Lynchburg *Virginian*.

² Charleston *Courier*, July 9, quoted by *Niles's Register*, July 26, 1828; Calhoun's letter to the editor of the *United States Telegraph*.

In Georgia the excitement, although not so great as in South Carolina, was considerable, and although she did not

In Georgia. go so far or so fast, one of her grand juries "presented" the tariff. But they declared, "We will

not suffer the dissolution of the Union to enter into the discussion even as a *dernier ressort*."¹ On the other side of the

line, in North Carolina, there was serious consideration of propositions for new crops to take the place of cotton, which had become unprofitable.² The South, however, was

far from unanimous. The protective party was strong in Virginia, and here and there through all of the Southern States were newspapers advocating their principles. Some of these papers made bold claims that various articles protected by the tariff of 1824 had been reduced in price in

North Carolina. consequence.³ The Senate of North Carolina adopted resolutions in December, 1828, in favor

of protection.⁴ Governor Iredell, of that State, suggested "a mild and friendly remonstrance" against the tariff, and

added the remark that a dissolution of the Union was not to be thought of. The message of Governor Johnson, of Loui-

Louisiana. siana, deprecated disunion, and went to the extent of declaring that "all attempts at disunion or

consolidation" would be "met by the powers and, if necessary, by the arms of an indignant public." On the contrary, Governor Giles, of Virginia, spoke of "these complicated usurpations," having reference to tariff and internal improvement legislation. In his message to the Alabama

Alabama. Legislature, Governor Murphy observed that the only remedy for present distress was to begin

manufacturing in the South. He opposed the dissolution of the Union. Governor Metcalfe, of Kentucky,

Kentucky. "deplored the disaffection to the government of the Union which had recently manifested itself among

some of the brethren of the South." The constitutional

¹ *Niles's Register*, September 6, 20, 1828.

² *Raleigh Register*, quoted by *Niles's Register*, September 13, 1828.

³ *Niles's Register*, and quotations, September 20, 1828.

⁴ *Raleigh Register*, December 12, same year.

power to protect industry was maintained in Governor Kent's message to the Maryland Legislature, the very last of the year.¹

The focus of the excitement over the tariff was in South Carolina. McDuffie addressed four thousand persons at Abbeville on the 25th of September. The resolutions adopted led off with a declaration of love for the Union, but of abhorrence to the tariff. They urged relief only through "constitutional measures." Having been accused by a writer in a local newspaper of a number of disunion projects and arrangements in common with other members of the South Carolina delegation in the Congress, Senator Robert Y. Hayne replied, under date of October 24, 1828, denying most unequivocally that there was ever held at his residence in Washington or anywhere else, to his knowledge, any meeting on the subject of the dissolution of the Union, or that any such question was ever proposed or decided at any meeting at which he was present or had knowledge. His very circumstantial statement denied positively that any proposition was ever submitted to the South Carolina delegation to the effect that the members should immediately abandon their seats, return home, and thereby end all further political connection with the government of the United States. His last emphatic denial was that any determination was ever made that the members on their return should visit their constituents and inculcate among them such doctrines and principles as should induce them to agree to and advocate a separation of the States, or that any proposition to that effect was ever submitted by any member of the delegation. He said that a meeting was held at the time at his house, but that its object was to concert what action should be taken on a proposition made by a Southern member, not from South Carolina, to protest against the tariff bill to Congress. Mr. Hayne, whose high character gives authority for a statement substantiated by his colleagues,

Maryland.

The focus of the excitement in South Carolina.

The meetings at Hayne's residence.

¹ *Niles's Register*, December 20, 1828; January 3, 1829.

adds that the members of the delegation resolved to allay whatever excitement might exist among their constituents. He declares that he and his colleagues have been actuated by a desire "not to destroy but to restore the Constitution."¹ Thomas R. Mitchell, an anti-nullification member from the State, in the same newspaper contradicted Hayne's statements, and claimed that only by the refusal of Colonel Drayton was the adoption of the alleged propositions defeated, Judge Smith, the other Senator, not having been present, and he (Mitchell) having also opposed the scheme. Drayton, he said, opposed the proposition to withdraw from Congress. Georgia alone of the States agreed to unite with them in a protest. But Mitchell in the same communication proclaimed that he had "never suspected either the principles or course" of the Calhoun party, and was not in their confidence.² Hayne's statements were corroborated in all essential points by Representatives Martin, Drayton, Hamilton, and Carter. The conference, or rather conferences, for there were two meetings at Hayne's residence, were for the purpose of seeing what should be done personally by the delegation, and as to what steps might be rendered necessary at a later time, but not distinctly for a dissolution of the Union. While there were no propositions looking to disunion, there was some private conversation on the effects of a dissolution if it were regarded as necessary. On this topic Hayne did not utter a word. Hamilton denied the power of coercion.³ The latter admitted in the card which he printed that they "all appeared to be under a very high degree of excitement," and that he announced his "determination to withdraw," but was induced by Hayne, Drayton, McDuffie, and Martin to reconsider. The resources of the State and her power of resistance were mentioned in the course of the conferences.⁴ Mitchell seemed to enter

¹ *Niles's Register*, November 15.

² Senator Hayne replied sharply to Mitchell in the *Charleston Patriot*. The latter seems to have had some personal grudge against Calhoun. His rejoinder to Hayne is very weak. *Niles's Register*, December 6.

³ This is Drayton's statement.

⁴ Hamilton's statement.

with ardor into the arrangements that were there discussed. It would appear upon a full review that no formal proposition for disunion was debated or decided upon; but the whole matter of the tariff and the State's duty in the premises was considered.¹

The tone of the aggressive party grew bolder towards the end of the year. Hamilton, in a speech at Walterborough, said that nullification was the rightful remedy. But he concluded by giving "the Constitution" as his toast. It was charged and denied that secret meetings in the interest of disunion were held in Charleston, and the anti-nullification press asserted that in Richmond the subject of a dissolution of the Union was discussed in private circles. There can be no doubt that a strong nullification feeling pervaded the Carolinas, Virginia, and Georgia.²

Increased boldness of the aggressive party in South Carolina.

One feature of the times was the charge by the low-tariff papers, North as well as South, that the Adams administration fanned the excitement in South Carolina in order to bolster a sinking administration and party.³

The South Carolina Legislature met in December.⁴ The resolutions offered on the crisis were many and variant. Preston's declared that the tariff was unconstitutional and was to be met by nullification and resistance; Legare's, that it was unjust and oppressive, but that no convention ought to be called and no acts of nullification framed; Smith's, that the act was unconstitutional, but the resolution deplored extreme measures, and urged the governor to call the legislature in special session.

December.
South Carolina
Legislature.

¹ All of these cards or statements were reprinted in *Niles's Register*, November 22, 1828. The *National Intelligencer* accepted Hayne's disclaimer that there was a disunion meeting, but appeared to think that Mitchell's account was otherwise correct, November 6, 11.

² The *National Intelligencer* of August 30 accepts the denial of the *Charleston Mercury* that such meetings were ever held in that city. The Union paper at Charleston, the *Gazette*, said that secret conferences were held, but did not allege disunion as their object.

³ *Richmond Enquirer*, *New York Courier and Enquirer*, for June, 1828.

⁴ Governor Taylor had refused to call a special session in July.

A proposition in the nature of a compromise was offered by Gregg, and adopted. It was in part a dignified and temperate protest addressed to the United States Senate, and also in part a request for co-operation by the "sister States." The action of the Georgia Legislature was not so moderate.¹

Gregg's compromise adopted.
A dignified protest.

The excitement in South Carolina steadily increased during 1829. "The signs of the times are portentous," was the expression of a New York paper in sympathy with the anti-tariff agitation.² A Charleston newspaper had made the suggestion that a convention

1829.

Proposition for a convention of all the States.

of all the States for the purpose of revising the Constitution should be held, and it was approved by the New York *Enquirer* and *Evening Post*, the Albany *Argus*, and the Richmond *Enquirer*. The Legislative Committee in Virginia reported elaborately upon the resolutions from South Carolina and Georgia concerning the tariff and the powers of the general government. The first resolution adopted by the legislature of Virginia declared the right of the State to construe mooted powers; the second, that this right was to be exercised as Virginia had ever done, with just respect and forbearance for the rights of other States; the third resolution condemned the tariff of 1828 as unauthorized by the Constitution, impolitic, and oppressive, and called for its repeal.

Other political events of that year were the inauguration of President Jackson's administration, many removals from office, and some criminal trials of office-holders under the former President; a discussion in the newspapers over the proposed acquisition of Texas, a considerable settlement of people from the United States having been formed in Austin; the Virginia Constitutional Convention, where the question of slavery was debated and the possibility of a dissolution of the Union was occasionally alluded to.

The inauguration. Proposed acquisition of Texas.

¹ Both protests were printed in the Richmond *Enquirer*, December 30, 1828.

² New York *Evening Post*, January 6, 1829.

In the Virginia Constitutional Convention the subject of slavery was discussed in its bearing on the question of representation in the legislature. The body was organized on the 5th of October. Mr. Madison having declined the honor, Mr. Monroe was chosen president *nem. con.*, and was conducted to his seat by Messrs. Madison and Marshall.¹ Of ninety members elected all except six were present on the first day. The convention proceeded daily with its task of forming a new constitution for the State. It was a body of men, most of whom were eminent for services to the State and nation, of great dignity, character, and intelligence, and the proceedings throughout the long session were notable for their order and harmony.² Of the committee of twenty-four appointed on the 7th of October, nearly every member was an eminent man. Among these members were Madison, Marshall, Randolph, Giles, Roane, Tazewell, and John Y. Mason.

The Virginia
Constitutional
Convention.

The principal difficulty of the convention was the equalization of burdens on slave property and its connection with representation.³ The report of the Legislative Committee was made on the 24th of October. Propositions were offered for free white suffrage and for free suffrage for those twenty-three years old. General debate opened two days later. The speeches of Cooke and Green, on the 27th of October, indicate fairly the temper and ability of the discussion. The former gentleman advocated the basis of an exclusive white representation, and insisted that it was in accordance with

Slave property
and representa-
tion.

¹ Monroe was elected on motion of Madison. The illness of Mr. Monroe caused his resignation on the 12th of December, both of the presidency and of membership. To the former Philip P. Barbour was chosen unanimously.

² "We have never seen a deliberative body whose proceedings have been characterized by so much dignity and order,—none which is more calculated to impress every spectator with respect and admiration."—Editorial in *Richmond Enquirer*, October 17.

³ Doddridge showed, on the 21st of October, that the numbers charged with the land tax were about 92,000; with property tax, 95,000. The *femmes soles* were seventeen per cent. These and minors were to other residents as 9 to 1.

the principles of Jefferson, which he and his compeers could not carry out, but which could at last be rendered effective. His argument was from the natural justice to the civic policy. Green contended that there could be no objection to such a basis if the majority had an interest in always doing what was right. But the danger was in the steady increase of the non-property-holding classes. At a later day it was said that the proposition for a white representation was as old as 1790. Among the speakers were Messrs. Upshur and Doddridge, the latter for and the former against exclusive white representation.

October 26.
General debate. P. P. Barbour seemed to demonstrate that if the argument from the Bill of Rights and the law of nature were correct, the emancipation of the slaves would follow as a necessary consequence. With characteristic severity of logic, he asked, "Is it not a solecism to say that rights which have their bearing only as a consequence of government are to be controlled by principles depending on a state of things antecedent to government?" Mr. Monroe deplored divisions on the subject of representation, and favored a white basis for the House of Delegates and a mixed basis for the Senate. On the 3d of No-

November 3. vember Naylor lamented the evil of slavery, but declared that he was opposed to immediate emancipation. Leigh said, a few days later, that slave-owners demanded the same security for their property that the South did of the North in the Constitution. Gov-

November 9. ernor Giles averred that his feelings were much excited by the mere allusion in Mr. Monroe's speech to the possibility of the Federal government rendering aid in the emancipation of slaves. Randolph spoke against the white basis on the 14th of November. Madison and Monroe preferred the white basis for the House of Delegates and the Federal basis for the Senate, Marshall and Leigh the Federal basis for both houses.¹

¹ But Madison, on the 16th of November, voted for Leigh's plan for a Federal basis for the House of Delegates; Monroe voted in the negative on that proposition.

Leigh's proposition, providing for a Federal basis for the House of Delegates, was rejected, as were likewise several others, among them Pleasants's for a Senate on the white and a House of Delegates on the Federal basis. The fight now seemed to be between the plans of Upshur and Cooke, —the Federal basis in both houses, or only in the Senate. Cooke and some of his party had modified their demand, but others refused to accept less than a white basis for both House and Senate. Somewhat later Upshur supported resolutions offered by Gordon, which were different from his own in the proportion of members allowed the eastern and western sections of the State, the Blue Ridge being the dividing line. But the whole question of apportionment was referred to the committee, on the final draft, of which Madison was chairman.¹ The subject excited much attention in the closing days of the session. The new constitution was adopted on the 14th of January.²

The Virginia
constitution
adopted.

¹ Doddridge was appointed, but declined the honor. Madison made the report. The apportionment of members of the legislature was re-committed.

² Article III. of the Virginia Constitution of 1830 states that the House of Delegates shall contain 134 members, elected annually, for and by the several counties, cities, towns, and boroughs of the Commonwealth, whereof 31 delegates shall be chosen for and by the fourteen counties lying between the Alleghany and Blue Ridge Mountains, 42 for and by the twenty-nine counties lying east of the Blue Ridge and above tide-water, and 36 for and by the counties, cities, towns, and boroughs lying upon tide-water. It prescribes that the Senate shall consist of 32 members, of whom 13 shall be chosen for and by the counties lying west of the Blue Ridge, and 19 for and by the counties, cities, towns, and boroughs lying east thereof; and for the election of whom the counties, cities, etc., shall be divided into thirty-two districts. Reapportionment once in ten years is provided for; but the number of delegates and the number of senators from the aforesaid great districts are not to be increased, but only the separate counties, etc., in accordance with increase of population in the same for the purpose of securing adequate representation in the House of Delegates. The number of delegates shall not exceed 150, nor that of senators 36. The provisions of the constitution are too elaborate for full statement here. They comprise the terms of the compromise in the convention.

In the opening days of the Congress, session of 1829–30, a question arose in the Senate which, on its face, bore no mark of the importance that attached to the discussion which immediately followed. The resolution of Foot, of Connecticut, offered on the 29th of December, related entirely to public lands.¹ It provided that the Committee on Public Lands be instructed to report as to the expediency of limiting for a certain period the sales of public lands to such as had heretofore been offered for sale and were subject to entry at the minimum price, and also as to whether the office of surveyor-general might not be abolished without detriment to the public interest. While it is not proposed in the present volume to discuss the general question of the public lands, this debate is so closely related to the events we are studying as not only to justify but also to compel consideration here of the great constitutional points involved. Foot stated that the Land Commissioner's returns of the last session showed that there were seventy-two million acres at the minimum price of one dollar and twenty-five cents which remained unsold. The commissioner said that the annual demand would probably be a million acres. Benton contended that it was not a fit subject for enquiry. "The Senator from Connecticut shakes his head," commented the Missouri Senator, "but he cannot shake the conviction out of my head that a check of Western emigration will be the effect of this resolution. The West is my country, not his; I know it, he does not." After further remarks by several Senators, the subject was postponed.² Discussion was resumed on the 13th of January, 1830. The mover of the resolution expressed surprise that an enquiry should be made a special order. The yeas and nays were ordered.³ The debate which followed was participated in by Kane, of Illinois, Barton, of Missouri, McKinley, of Alabama, and Holmes, Foot, and Benton.⁴

¹ Register of Debates (vol. xxi.) of Twenty-first Congress, p. 3.

² Ibid., p. 7.

³ Ibid., p. 11.

⁴ Ibid., pp. 11–16.

The Western members did not all oppose the proposed investigation, but they wished the surveys and sales to proceed, and declared, without exception, that they were hostile to any check to emigration westward. Some of them disclaimed, others advocated the theory that the sovereignty of the lands rested in the new States. Benton made a powerful speech on the 18th of January.¹ He said that the resolution presented three distinct propositions: 1, to stop the surveying of the public land; 2, to limit the sales of the land now in market; 3, to abolish all the offices of the surveyors-general. The effect of these propositions would be: 1, to check emigration to the new States and Territories; 2, to limit their settlement; 3, to deliver up large portions of them to the dominion of wild beasts; 4, to remove all the land records from the new States. In Missouri, he averred, the surrender would be equal to two-thirds of the State. As to the enquiry, he remarked, "I take my stand upon a great moral principle,—that it is never right to enquire into the expediency of doing wrong."² The enquiry would cause alarm and agitation at the South and West. It was not only unjust to the new States, but partial and unequal in its operations among them. He argued that the effort was due to the desire of the manufacturers to have people to work for poor wages who wished to go to the West and procure lands.³ He repeated Monroe and Grayson's account of the attempt in 1786 to surrender the Missouri River to the Spaniards, and showed that it was prevented by Southern votes in the Congress. He also recited the history of the clause in the act of 1785 requiring all land to be sold in any township before additional land should be offered for sale. He said that while Virginia was surrendering great territories Massachusetts yielded only a barren claim, reserving thirty thousand square miles which she held in the North-east. She was now, he declared, selling this at five to

Benton's speech
of the 18th of
January.

¹ Register of Debates (vol. xxi.) of Twenty-first Congress, pp. 22-27.

² *Ibid.*, p. 23.

³ *Ibid.*, p. 24.

twenty-five cents an acre.¹ On the following day Holmes made an adroit reply to the charge that the North was unfriendly to the West. He claimed that the rapid growth of the latter section, especially of the State of Missouri, admitted by Eastern votes, refuted the assertion.² Woodbury effected a flank movement upon Foot by proposing an amendment extending the investigation into the expediency of hastening the surveys and sales of land. Barton favored and Foot opposed the amendment. As the debate progressed it was assumed by the speakers in opposition that the resolution was unfriendly to the growth of the Western States.³

In the course of a protracted introduction, Hayne said that if the gentlemen who had discussed the resolution had confined their remarks strictly to the subject he would have spared the Senate the trouble of listening to him on the occasion.⁴ There were two parties in the country on the policy, past and future, of the government as to public lands. Either we are regarded, he proceeded, as weak, indulgent parents or hard taskmasters. He would content himself with noticing one or two particulars in relation to which it had long appeared to him that the West had cause for complaint. The plan had been pursued invariably of selling certain portions of the lands from time to time at the highest market price, and, until a few years past, on long credits. Nations who had colonized the North American continent—English, French, and Spaniards—had required of purchasers only a penny or a peppercorn.⁵ “It is said, sir, that we learn from our own misfortunes how to feel for the sufferings of others; and perhaps the present condition of the Southern States has served to impress more deeply on my own mind the grievous oppression of a system by which the wealth of a country is drained off to be expended elsewhere. Nearly the whole of our

¹ Register of Debates, p. 26.

² Ibid., p. 28.

³ Ibid., p. 30, and other pages.

⁴ Ibid., p. 31.

⁵ Ibid., p. 32.

contributions is expended abroad; we stand towards the United States in the relation of Ireland to England. The fruits of our labor are drawn from us to enrich other and more favored sections of the Union, while with one of the finest climates and richest products in the world, furnishing with one-third of the population two-thirds of the whole export of the country, we exhibit the extraordinary, the wonderful, and painful spectacle of a country enriched by the bounty of God, but cursed by the cruel policy of man. The rank grass grows in our streets; our very fields are scathed by the hand of injustice and oppression. Such, sir, though probably in a less degree, must have been the effects of a similar policy on the fortunes of the West.”¹ He defined the irreconcilable opinions on the subject of the public lands and the future policy in connection therewith of the government. “On the one side it is contended that the public land ought to be reserved as a permanent fund for revenue and future distribution among the States; while on the other, it is insisted that the whole of these lands of right belong to and ought to be relinquished to the States in which they lie.” He questioned the policy of converting these lands into a great source of revenue.

“Certain it is,” he said, “that all the efforts heretofore made for this purpose have most significantly failed.” He spoke of the harshness of such proceeding, and of schemes for roads, canals, schools, etc. It was a permanent treasure not drawn from the people’s pockets, not promotive of the public welfare. He alluded to the temptations to which it would expose “our national rulers.”² It was, he said, a fund for corruption. “It would enable Congress and the executive to exercise a control over States as well as over great interests in the country—nay, even over corporations and individuals—utterly destructive of the purity and fatal to the duration of our institutions.” Like Benton, he referred to the report of Secretary Rush, and expressed his great abhorrence and de-

The lands should not be a source of revenue.

¹ Register of Debates, p. 33.

² Ibidem.

testation of the proposition to check the sales of public lands in order to keep the poorer class of laborers in the Eastern manufactories.¹ He waived present consideration of what he called numerous and powerful objections to the plan of State distribution of lands,—a subject recently discussed in the House and shortly to be taken up in the Senate. He thought that the claims of sovereignty over the lands made by Indiana and Alabama were inadmissible, and seemed to prefer to others a plan of relinquishment to the States at something more than a nominal price.²

Foot, on the 20th of January, modified his resolution, as suggested by Sprague, to meet the views expressed by Woodbury. But the event of that day in the discussion was the speech of Webster.³ As

usual, his opening remarks were brief and led immediately to the matter in hand. His compendious statement of the main question was admirable. He said, “There are more lands than purchasers. It is obvious

that no artificial regulation, no forcing of sales, no giving away of the lands even, can produce any great and sudden augmentation. My own opinion has uniformly been that the public lands should be offered freely and at low prices.” He argued that speculation on a large scale should not be encouraged and vast quantities of the land should not be thrown on the market, reducing prices to nothing. Reply-

ing to Hayne’s attack on the policy of the government towards purchasers, he denied altogether that there had been anything harsh or severe in that policy towards the ten States of the West. On the contrary, he maintained that it had uniformly pursued towards those States a liberal and enlightened system, such as its own duty allowed and required, and such as their welfare demanded. He also denied the analogy with the original North American colonists. “Generally speaking,” said Mr. Webster, “they derived neither succor nor protection from the governments at home.”

¹ Register of Debates, p. 34.

² Ibid., p. 35.

³ Ibid., pp. 35-41.

But he claimed that the government of the United States had made, from the first, the protection of these communities the leading objects of policy, laying special stress upon the protection from Indians and the purchase of Indian titles.¹ The public lands had been derived from four principal sources. First, cessions made by individual States to the United States on the recommendation of the old Congress. Second, the compact with Georgia in 1802. Third, the purchase of Louisiana. Fourth, the purchase of Florida. He examined "the causes and occasions" of the grants by the States, to show that they were for the common benefit of existing and future States. "The gentleman," he observed, "admits that the lands cannot be given away until the national debt is paid, because to a part of the debt they stand pledged. But this is not the original pledge. There is, so to speak, an earlier mortgage. Before the debt was funded, at the moment of the cession of the lands, and by the very terms of that cession, every State in the Union obtained an interest in them, as in a common fund. Congress has uniformly adhered to this condition." He said that the government had not felt itself at liberty to dispose of the soil in large masses to individuals, thus leaving to them the time and manner of settlement. Who could say what mischiefs would have ensued if Congress had thrown these Territories into the hands of private speculation?²

Webster said that he had heard not without regret and pain the sentiments of the honorable member (Hayne) in wishing that the government might never have a permanent source of revenue, and his claim that this would consolidate the government and corrupt the people. He knew that such opinions were entertained outside, but he did not expect so soon to find them here. Consolidation! that perpetual cry, both of terror and delusion,—
 consolidation! In this passage he appears to go out of his way to bring in the topic of the Union, or rather of its opposite, disunion. He avows his devotion to what he

He brings in the topic of the Union.

¹ Register of Debates, p. 36.

² Ibid., p. 37.

calls "General Washington's consolidation, . . . the true constitutional consolidation." He averred that he could not but regret the expression of such opinions as the gentleman had expressed, because their tendency was to weaken the bond of union.¹ Conveniently ignoring his own position, that of his adopted State, and that of his section in the war of 1812, he proceeded: "The tendency of all these ideas and sentiments is obviously to bring the Union into discussion as a mere question of present and temporary expediency,—nothing more than a mere matter of profit and loss." He claimed that such persons "cherished no deep and fixed regard for the Union." On another point he was suspicious and aggressive. He charged that there was a disposition to rejoice at the early extinguishment of the debt on account of the supposed incidental tendencies and effects of the debt. While he would not continue the debt for the sake of any collateral or consequential advantage,—“a tie holding different parts of the Union together by considerations of mutual interests,”—he meant to say that that consequence itself was not one that he regretted.² He contradicted the sum total and the detail of what Hayne had said of Eastern selfishness.³ “But the tariff! the tariff!” he exclaimed. “Sir, I beg to say, in regard to the East, that the original policy of the tariff is not hers, whether it be wise or unwise. It was truly more a Southern than an Eastern measure. And what votes carried the tariff of 1824? Certainly not those of New England. It is known to have been made matter of reproach, especially against Massachusetts, that she would not aid the tariff of 1824, and a selfish motive was imputed to her for that also.”⁴ In this speech Mr. Webster asserted that Nathan Dane, of Massachusetts, drew the anti-slavery ordinance of 1787 and that it was adopted by the Congress, as he had understood, without the slightest alteration. He proclaimed its exclusion of involuntary servitude “a great and salutary measure of prevention.”

¹ Register of Debates, p. 38.

² Ibid., p. 38.

³ Benton had said even more.

⁴ Register of Debates, p. 39.

He affirmed that it was carried by the North, and by the North alone.¹ One of his most effective points was in the quotations which he made from a debate in the House in 1825 with McDuffie, on the subject of the Western road, where the Southern leader advocated limiting government sales of land.² Webster concluded by moving the indefinite postponement of the resolution. Benton replied.

On Thursday, the 21st of January, Chambers, saying that Webster had "unavoidable engagements out of the Senate," endeavored to procure a postponement of the debate. But Hayne was unwilling that the subject should be postponed. He remarked that he saw the gentleman (Webster) in his seat, and presumed he could arrange to be present that day. He (Hayne) would not deny that some things had fallen from that gentleman which rankled here (touching his breast) from which he would desire at once to relieve himself. The gentleman had discharged his fire in the face of the Senate. He (Hayne) hoped he would now afford him the opportunity of returning the shot. "I am ready to receive it," replied Webster. "Let the discussion proceed."³ After Benton had concluded his remarks, begun on the preceding day, Hayne took the floor to reply to Webster. He spoke for about an hour and resumed on the following Monday, when he addressed the Senate for two hours and a half.⁴ Hayne said that he had "impeached no man's motives; he had charged no party, State, or section with hostility to any other. The gentleman from Missouri had charged upon the Eastern States an early and continued hostility towards the West, and had referred to a number of historical facts and documents in support of that charge. The honorable gentleman from Massachusetts, after deliberating a whole night upon his course, comes into this chamber to vindicate New England, and, instead of making up his issue with the gentleman from Missouri, selects me as his adversary, losing sight

January 21.
Hayne's second
speech.

¹ Register of Debates, p. 40.

³ Ibid., p. 41.

² Ibid., pp. 40-41.

⁴ Ibid., p. 43.

entirely of the gentleman from Missouri. He goes on to assail the institutions and policy of the South, and calls in question the principles and conduct of the State which I have the honor to represent." Mr. Hayne then said that he was bound to believe that the gentleman had some object in view which he had not disclosed. Had the gentleman discovered in former controversies with the gentleman from Missouri that he was overmatched by that gentleman? and does he hope for an easy victory over a more feeble adversary? Has the ghost of the murdered Coalition come back, like the ghost of Banquo, to "sear the eyeballs" of the gentleman, and will it not "down at his bidding"? Hayne declared that if Webster's purpose was to thrust him between the gentleman from Missouri and himself, he should not be gratified. The South shall not be forced into a conflict not its own. The gallant West needs no aid from the South to repel attack from any quarter. Further on Hayne, referring to the land policy of the government, said that the gentleman had introduced to our notice a certain Nathan Dane, of Massachusetts, to whom he attributed the Ordinance of 1787. Hayne declared that to such high authority it was certainly his duty to submit in a becoming spirit of humility. And yet it was unfortunate for the fame of this great legislator that the gentleman from Missouri should have proved that he was not the author of that ordinance. Until yesterday Mr. Dane was known to the South only as a member of the Hartford Convention. By the second resolution of that convention it is declared "that it is expedient to attempt to make provisions for restraining Congress in the exercise of unlimited power to make new States and admit them into the Union."¹ He showed from the speech of Webster's in 1825, quoted by the latter the day before, that Webster "could never think that the national domain was to be regarded as any great source of revenue."² He contended, therefore, that Webster had changed his views, as he now advocated holding the lands as a "treasure," and

¹ Register of Debates, p. 44.

² Delivered January 18, 1825. Register of Debates, vol. i. p. 251.

replied to the claim of the latter that the East had shown greater friendliness to the West than had the South. Would the gentleman, he asked, have us to manifest our great love to the West by trampling under foot our constitutional scruples? When the gentleman tells us that the appropriations for internal improvements in the West would in almost every instance have failed but for the Eastern votes, he has forgotten to tell us the when, the how, and the wherefore this new-born zeal for the West sprung up in the bosom of New England. If he will look back only a few years, he will find in both houses of Congress an uniform and steady opposition on the part of the members from the Eastern States generally to all appropriations of this character. This was the case at the time that he (Hayne) became a member of the Senate, and for some time afterwards.¹ A wonderful change in this regard took place in New England in 1824, while the election of the President was still in doubt in the House of Representatives. Referring to the payment of the public debt and the passage on the same in Webster's speech, Hayne said, "Sir, let me tell that gentleman that the South repudiates the idea that a pecuniary dependence on the Federal government is one of the legitimate means of holding the States together." He appeared to doubt the willingness of Webster and his party to have the debt paid off."²

Opposition of
the East to ap-
propriations for
the West.

One of the most effective parts of Hayne's argument was his defence of the South from the charge of weakness implied in Webster's preference for Ohio over Kentucky. "Sir," he declared, "we will not consent to look at slavery in the abstract. We will not look back to enquire whether our fathers were guiltless in introducing slaves into this country. Southern ships and Southern sailors were not the instruments of bringing slaves to the shores of America, nor did our merchants reap the profit of that accursed traffic. Finding our lot cast among

Slavery.

¹ Register of Debates, p. 45.

² Ibid., p. 46.

a people whom God had manifestly committed to our care, we did not sit down to speculate on abstract questions of theoretical liberty. We met it as a practical question of obligation and duty." He described the negroes as an inferior people, whom it were inhuman to send back to their native Africa, there to degenerate, and on account of their numbers it was impracticable. He contrasted the free blacks of Northern cities with the Southern slaves, to the advantage of the latter. Webster was asked for proofs of Southern weakness.¹

Hayne quoted a passage from Matthew Carey's *Olive Branch*,² as follows, but disavowed the sentiments as his own: "If a separation were desirable to any part of the Union, it would be to the Middle and Southern States, particularly to the latter, who have been so long harassed with the complaints, the restlessness, the turbulence, and the ingratitude of the Eastern States, that their patience has been tried almost beyond endurance." He quoted this to show that at a former time different views had prevailed as to the weakness of the South. "Whatever difference of opinion," he asserted, "may exist as to the effect of slavery on national wealth and prosperity, if we may trust to experience, there can be no doubt that it never yet has produced any injurious effect on individual or national character." He pointed to "the Old Dominion, magnanimous Virginia, 'whose jewels are her sons.' Is there," he asked, "any State in this Union which has contributed so much to the honor and welfare of the country?"

The object of the framers of the Constitution, he averred, was the consolidation of the Union, not of the government.³

The grounds in dispute. The grounds in dispute between the Senator from Massachusetts and himself were the very grounds which had divided parties from the beginning. In every age and country there have been two distinct orders

¹ Register of Debates, p. 47.

² *Olive Branch*, p. 278. Carey was a Northern writer, the father of protection literature in the United States.

³ Register of Debates, p. 48.

of men,—the lovers of freedom and the devoted advocates of power. He rallied Webster as to his sensitiveness on the subject of the tariff. At the Boston meeting of 1820 and in the House of Representatives in 1824 Webster, he said, was the leading actor and the fearless and powerful advocate of free trade. On that the proudest day of his life, the Senator from Massachusetts, like a mighty giant, bore away upon his shoulders the pillars of the temple of error and delusion, escaping himself unhurt and leaving his adversaries overwhelmed in its ruins.¹ From the tariff he passed to charges of disunion, which, in his own language, he met not only at the threshold, but carried war into the enemy's territory. This elaborate statement of the South's devotion in the Revolution, to a cause she might have avoided espousing, if she had been less patriotic; of New England's conduct in 1798 and the war of 1812, is possibly the strongest point in all the great debate in clear demonstration and intense power of sarcasm. Hayne deprecated sectionalism, but he charged that Webster had made an uncalled-for attack upon the South. His beautiful tribute to South Carolina was the inspiration of Webster's to Massachusetts.² Hayne only "challenged comparison with any other State in the Union." He honored New England, but claimed that equal honor was due to the South for conduct in the Revolution. He quoted from the speech of Josiah Quincy on the admission of Louisiana: "If this bill passes, it is my deliberate opinion," said Quincy, "that it is a dissolution of the Union; that it will free the States from their moral obligation; and as it will be the right of all, so it will be the duty of some, to prepare for a separation, amicably if they can, violently if they must."³ To the New England Democrats, he thought, higher praise was due than to the Democrats of the South. He accepted Webster's name, "Carolina Doctrine," as applied to the views of himself and his friends, and assigned as its basis the Virginia resolutions of 1798 and Madison's report on

The South's devotion to the Union.

¹ Register of Debates, p. 49.

² Ibid., p. 50.

³ Ibid., p. 55.

the subject. Throughout this and the succeeding speech Hayne confined himself almost entirely for constitutional authorities to these documents, although he referred to Jefferson and once or twice to Hamilton's fifty-first number of the *Federalist*. The Kentucky resolutions were also quoted in part. This second speech of Hayne's was more eloquent than the first: there were several passages of great splendor, and throughout it was notably elegant. His style was more diffuse than Webster's.

The latter arose immediately to reply, but owing to the lateness of the hour yielded the floor for an adjournment.

On the following day, when the Senate resumed the discussion, Webster began his famous reply to Hayne,—that is to say, his second speech on the Foot resolution. He spoke that day until half-past three o'clock P.M., but did not conclude his remarks until he had spoken three hours on the following day.¹ The tone of Hayne's speech, derived apparently from the accusations in the first speech by Webster, seemed to have offended the last-named Senator, who called for the reading of the pending resolution, thus endeavoring to bring the debate back whence it started. He said that in a two days' speech the gentleman from South Carolina had spoken of everything but the public lands.² Webster also alluded in his opening remarks to Hayne's observation that he had a shot to return. "That shot, sir, which it was kind to inform us was coming, that we might stand out of the way or prepare ourselves to fall before it and die with decency, has now been received. Under all advantages, and with expectation awakened by the tone which preceded it, it has been discharged and has spent its force. It may become me to say no more of its effect than that, if nobody is found, after all, either killed or wounded by it, it is not the first time in the history of human affairs that the vigor and success of the war have not quite come up to the lofty and sounding phrase of the manifesto." Alluding to Hayne's use of the

¹ Register of Debates, p. 58.

² Ibid., p. 59.

word "rankling" and his gesture at the time, Webster claimed that he had a great advantage over the gentleman. "There is nothing here, sir," tapping his breast with one hand, "which gives me the slightest uneasiness; neither fear nor anger nor that which is sometimes more troublesome than either,—the consciousness of having been in the wrong." He had received nothing which rankled or had in any way given him annoyance. There was not quite strength enough in the gentleman's bow to so impel his shafts as to bring them to their mark. He avoided Hayne's thrust about eluding Benton by saying that he had found "a responsible endorser of the bill and did not stop to enquire who was the original drawer." He gave an answer, he said, to that speech, which, if unanswerable, was most likely to produce injurious impressions. In the oft-quoted passage of this speech of Webster's about "matches and overmatches,"¹ in which Webster himself showed great excitement, he said that Hayne had been excited and angry. A Jovian air pervaded the whole speech. In the purely personal parts, Webster, by his tremendous rhetoric, appeared generally to have had the advantage. Very deftly he turned the Banquo quotation back upon his opponent. But Mr. Webster was not happy in his retort as to Dane, that the latter was "too near the north star to be reached by the gentleman's telescope." Hayne had been exceptionally kind in his references to the North and Northern men. Another instance of Webster's unfairness in argument when under excitement was in a subsequent passage, where he accused Hayne, against the latter's express disclaimer in his former speech, of defending slavery in the abstract. "There is not," said Mr. Webster, continuing, "and never has been a disposition in the North to interfere with these (slave) interests in the South."² Again, "I regard domestic slavery as one of the greatest of evils, both moral and political." But he left it to those whose right and duty it was to inquire and

Webster superior to Hayne in the personal parts of the discussion.

¹ Register of Debates, p. 59.

² Ibid., p. 61.

to decide whether it were curable, and if so, by what means; or whether it were the *vulnus immedicabile* of the social system. And this he believed uniformly to have been the sentiment of the North. He went into the history of the matter to show apparently that while some Southern men¹ thought that Congress could interfere, a committee of the First Congress, composed, except one member from Virginia, of Northern men, reported that the subject of domestic slavery was not in the authority of the Congress, but in that of the States. The North was in a large majority in that house. The Ordinance of 1787 encouraged schools by a high and binding declaration of the government itself, and first restrained legislative power in questions of private right and from impairing the obligation of contracts. He claimed that the Journal refuted the attempt which had been made to transfer from the North to the South the honor of the exclusion of slavery from the Northwest Territory.²

Webster said that the proceedings of the Hartford Convention were less read and studied in New England than farther South as a precedent, but would not answer the purpose,—the latitude in which they originated was too cold. After some further pleasantries, he observed, “I have nothing to do, sir, with the Hartford Convention. Its journal, which the gentleman has quoted, I have never read.

The Hartford Convention. So far as the honorable member may discover in its proceedings a spirit in any degree resembling that which was avowed and justified in those other conventions³ to which I have alluded, or so far as these proceedings can be shown to be disloyal to the Constitution or tending to disunion, so far I shall be as ready as any one to bestow on them reprehension and censure.”⁴ He claimed that there was no difference between his speech of 1825 and his present views on the subject of the public lands. “Sir, a breath blows all this triumph away.”⁵ Webster

¹ Governor Edmund Randolph, for instance.

² See Benton's reply, further on.

³ Colleton and Abbeville, South Carolina.

⁴ Register of Debates, p. 62.

⁵ Ibid., p. 63.

was unsuccessful in his attempt to fix on Hayne the charge of having attacked the East, as a justification of his own attack on the South.¹ There was nothing in Hayne's speech to justify Webster's assault, although there might have been in Benton's matter for severe rejoinder to that Senator. In reply to Hayne's challenge to show when, how, and why New England votes were found cast for measures favorable to the West, Webster mentioned two as "samples and specimens of all the rest." In 1820, in favor of reducing the price of lands, New England gave thirty-two of thirty-three votes for it and only one against. Four Southern States gave thirty-two votes out of fifty for and seven against the proposition. Again, in 1821, on the bill for the relief of the purchasers of lands, New England also gave more affirmative votes than the South, with their fifty-two or fifty-three members.² In this passage Webster was very sarcastic and his manner was triumphant.

The war of 1812, he argued, had rendered a new internal policy necessary. He reviewed the powers of the general government in the Constitution, and settled, so far as his own mind was concerned, the constitutionality of internal improvements.

A new policy
made necessary
by the war of
1812.

"And now," so he concluded this part of his subject with an address to Vice-President Calhoun, "and now I have further to say that I made up these opinions . . . and entered on this course of political conduct, *Teuero duce*. Yes, sir, I pursued in all this a South Carolina track." He said that a leading gentleman of that State was first and foremost in behalf of the doctrine of internal improvement. The tariff of 1816, one of the plain causes of oppression from which if the government did not recede it was said independent South Carolina might secede, was in truth a South Carolina tariff. But for those votes it could not have passed in the form in which it did pass; whereas, if it had depended on Massachusetts votes, it would have been lost. In triumph he queried, "Does not the honor-

¹ Register of Debates.

² *Ibid.*, p. 65.

able gentleman well know all this?"¹ He said that in six years a party had arisen in the South hostile to the policy of internal improvements.

In order to fasten the charge of inconsistency upon Hayne, Banding charges of inconsistency with Hayne. in retaliation for the latter's citation from the debate of 1825, Webster arraigned his adversary for voting, in April, 1824, for a bill to secure the necessary plans, surveys, and estimates upon the subject of roads and canals. Although this measure was preliminary, Webster said it covered the whole ground. Continuing, he observed, "I repeat that, up to 1824, I for one followed South Carolina; but when that State in its ascension veered off in an unexpected direction, I relied on its light no longer." At this point the Vice-President interrupted the

The Vice-President asks a question. speaker,—“Does the Chair understand the gentleman from Massachusetts to say that the person now occupying the chair of the Senate has changed his opinions on the subject of internal improvements?” Mr. Webster resumed, and replied, “From nothing ever said to me, sir, have I had reason to know of any change in the opinions of the person filling the chair of the Senate. If such has taken place, I regret it. I speak generally of the State of South Carolina.” He made an elaborate explanation of his own change on the tariff question.

Of the action in Massachusetts he said, “Our only option

Defence of the action of Massachusetts on the tariff. was to fall in with this settled course of public policy and accommodate ourselves as well as we could, or to embrace the South Carolina doctrine and talk of nullifying the statute by State interference.”² He referred to his speech of 1824, declined to restate his reasons for voting against the bill of that year, and cited the latest views of Madison on the tariff question, by which he was greatly impressed.

The weakest part of Webster's second speech, perhaps, was that which was necessarily so,—the reply to Hayne's strongest point, the disunion sentiment in New England just

¹ Register of Debates, p. 67.

² Ibid., p. 69.

preceding and pending the war of 1812.¹ He did not undertake a particular statement, but made a scornful general denial. "Why, sir, he has stretched a drag-net over the whole surface of perished pamphlets, indiscreet sermons, frothy paragraphs, and fuming popular addresses; over whatever the pulpit in its moments of alarm, the press in its heats, and parties in their extravagance have severally thrown off in time of general excitement and violence." In this indignant strain, entirely forgetful of what he had said of "the learned doctors of Colleton and Abbeville," the great Senator proceeded to justify the Federal party in New England by the abuse of President Washington by the Republicans. His pungent reference to the process "by which the whole Essex Junto could in one hour be all washed white from their ancient Federalism" was one of the best sarcasms with which the whole discussion was scintillant, because it was apropos of the political situation of the time.²

A drag-net.

After a brilliant passage on the devotion and heroism of Massachusetts in the Revolution, he presented a full exposition of his own views of constitutional construction.³ A colloquy between Webster and Hayne shows vividly the difference between the two schools they represented. Webster knew no right of resistance but popular revolution. Hayne did not contend for "the mere right of revolution, but for the right of constitutional resistance." Webster "so understood the gentleman. What he contends for is that it is constitutional to interrupt the administration of the Constitution itself." Webster did not deny the inherent right of the people to reform their government, and, he said, "they have another right, and that is to resist unconstitutional laws without overturning the government. It is no doctrine of mine that unconstitutional laws bind the people. But I do not admit that under the Constitution and in conformity with it there is any mode in which a State government as a

Colloquy between Webster and Hayne.

¹ Register of Debates, pp. 70-72.

² Ibid., p. 70.

³ Ibid., p. 72.

member of the Union can interfere and stop the progress of the general government, by force of her own laws, under any circumstances whatever.”¹ Enquiring into the origin and nature of the government, he found that it was not the agent of the State governments, but the creature of the people. “We are all agents of the same supreme power, the people. The general government and the State governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and restricted and the other general and residuary.”² He everywhere set up the sovereignty of the whole people over the sovereignty of the State governments,—even the absolute sovereignty of the majority, irrespective of State lines. He asserted that New England opinion as to the unconstitutionality of the Embargo Act never reached the point of advocating disunion.³ He said that the Virginia resolutions of 1798 were “not a little indefinite.” They meant, he thought, complaint and remonstrance and only contended for a general right of revolution. In this passage he remarked frequently that the Federal government was not the creature of the State legislatures. The Supreme Court under the Constitution was to decide in questions of conflict between States and Federal government. The remedy of the people, if they had made an injudicious or inexpedient distribution of power between the State governments and the general government, was to alter that distribution by constitutional amendment.⁴ Then came a grand outburst, rarely equalled even by himself, on the value of the Union and the indissoluble connection of liberty and Union.⁵

On the same day Hayne made his third argument. He claimed that he arose simply to correct some gross errors into which the gentleman from Massachusetts had fallen. The personal points are less numerous and the argument more logical than Web-

Hayne's third argument.

¹ Register of Debates, p. 73.

³ Ibid., p. 76.

⁴ Ibid., p. 79.

² Ibid., p. 74.

⁵ Ibid., pp. 79, 80.

ster's, to which it was a reply. Much of the same ground was covered that was embraced in his previous speeches. Some of his solemn denials must be recorded as a part of the history of the discussion. "I said nothing that could be tortured into an attack upon the East." Elsewhere: "The gentleman put the phrase, 'accursed tariff,' into my mouth."¹ His rejoinder to Webster's remarks on McDuffie's position on internal improvements and public lands is perhaps insufficient. He said that if Mr. McDuffie still held these opinions, the people of South Carolina did not.² Hayne's reply to Webster's thrusts upon the inconsistency of South Carolina as regarded the tariff question was very ingenious. A great mistake, he said, prevailed as to the tariff of 1816. That was not a bill for in-

Explains the tariff of 1816 and South Carolina's part in its enactment.

creasing, but one for reducing duties. During the war double duties had been resorted to for raising the revenue necessary for its prosecution. Manufactures had sprung up under the protection incidentally afforded by the restrictive measures and the war. On the restoration of peace a scale of duties was to be established adapted to the situation in which the country was by that event placed. All agreed that the duties were to be reduced gradually. There was a debt of \$140,000,000 or \$150,000,000. Admonished by recent experience, a navy was to be built and an extensive system of fortifications was to be commenced. The operation of a sudden reduction was to be considered. He further said that the bill was reported by the lamented Lowndes, a steady opponent of the protecting system; and he stated its provisions to confirm his claim that it was a revenue restriction measure. The provisions of ensuing tariffs were also stated. "Suppose, sir," he proceeded, "the New England gentlemen were now to join the South in going back to a tariff for revenue and were to propose to us gradually to reduce all of the existing duties, so that they should come down in two or three years to fifteen or twenty per cent., would the gentlemen consider

¹ Register of Debates, p. 83.

² Ibidem.

us as sending in an adhesion to the American system by voting for such a reduction? And if not, how can they charge the supporters of the tariff of 1816 with being the fathers of that system?"¹ Expressing dissent from the bonus measure, he said that if the system of improvements had been conducted on the principles of that bill much of the inequality and injustice that had since taken place would have been avoided. But he was by no means disposed to deny that a considerable change on the subject of internal improvements had taken place in the Southern States, and particularly South Carolina, since the measure was first broached. As a new question, hardly examined and little understood, the people of the South took up the belief for a short period that there was to a certain extent, under guards, benefits to be confirmed by the system constitutionally pursued. But before time had been allowed for the formation of fixed opinions the evils of the system were fully exposed, including most alarming innovations on the Constitution, and the South was fully satisfied of its injustice and inequality.² As to his own vote, he observed, "Sir, I know that more than one gentleman who voted for the survey bill of 1824 expressly stated at the time that they did not intend to commit themselves on the general question; and I was one of that number." Hayne has the almost unquestioned advantage on the discussion of the tariff, but he is not so evidently successful either on the subject of the public lands or that of the internal improvement system. There are instances in this part of the debate, as elsewhere, of Webster's habit of twisting another's words to save himself from reproach. Whenever it suited his purpose, he invented language and ascribed it to his opponent.

More than half of Hayne's final argument was devoted to an examination of Webster's views on Federal powers. His authorities, as before, were Madison and Jefferson. He, too, went back to the origin of the government, which he found in the independence of the

¹ Register of Debates, p. 84.

² Ibidem.

individual States before the existence of the Constitution. He quoted Madison's definition of the nature of the Constitution,—“a compact to which the States are parties.”¹ Hayne argued: “Nothing can be clearer than that under such a system the Federal government, exercising strictly delegated powers, can have no right to act beyond the pale of its authority, and that all such acts are void. A State, on the contrary, retaining all powers not expressly given away, may lawfully act in all cases where she has not voluntarily imposed restrictions on herself. Here, then, is a case of compact between sovereigns, and the question arises, What is the remedy for a clear violation of its express terms by one of the parties?” He answers by a quotation from Madison's Report to the Virginia Legislature, page 20: “That where resort can be had to no common superior, the parties to the compact must themselves be the rightful judge whether the bargain has been pursued or violated.” He challenged Webster to show from the Constitution the grant of claimed power in the Federal government to decide ultimately and conclusively the extent of its own authority.²

While this is the most elaborate, and as an argument of high range much the finest portion of Hayne's efforts during this discussion, it must be admitted that he has confused the question not a little and given Webster at the close an opportunity to dwell more than the point is worth on that confusion. He had been speaking of the Constitution as a compact between States. Here he made the compact one between the State governments and the general government,—that is, the States as organized,—thus putting the creature of one of the parties to the compact in place of one of the original parties and the creature of the Constitution in place of the others. It was a blemish, but not essentially injurious to his main argument in favor of ultimate State sovereignty. He was not able to extricate himself wholly from the popular misapprehension and nomenclature and from the terms of the argument he

¹ Register of Debates, p. 86.

² *Ibidem*.

was endeavoring to refute. Hayne declared, "The whole form and structure of the Federal government, the opinions of the framers of the Constitution, and the organization of the State governments, demonstrate that though the States have surrendered certain specific powers they have not surrendered their sovereignty." This remark was explained as relating to other things not included in the general grant. The doctrine of the final supremacy of the Federal government, he said, was based on the notion that the States were inferior to the mass of people in all of the States. The phrase, "We, the people of the United States," referred to the people as citizens of the several States and not to the mass.¹ This was the sense of the word as used in different parts of the Constitution, and in the State legislatures and conventions at the time of the adoption. As to Supreme Court jurisdiction, he held that questions of sovereignty were not proper subjects of judicial investigation. They were much too large and of too delicate a nature to be brought within the jurisdiction of a court of justice. Courts were the mere creatures of the sovereign power, designed to expound and carry into effect its sovereign will. The name Supreme Court, he contended, had relation to its supremacy over the inferior courts provided by the Constitution. The Supreme Court had cognizance of cases arising in law and equity and treaties. As with regard to treaties, the Supreme Court had never assumed jurisdiction over questions arising between the sovereigns who are parties to them, so under the Constitution they cannot assume jurisdiction over questions arising between the individual States and the United States. In the case before us, he insisted, there can be no pretence that the Supreme Courts have been specially constituted umpires. Unfit for the high decisions named, much more are they disqualified for the umpirage between States and United States, because the court is created by, and indeed is one of, the departments of the Federal government.²

The Supreme
Court of the
United States.

¹ Register of Debates, p. 86.

² *Ibid.*, p. 88. In strictness this statement is not correct. The

If the Supreme Court of the United States, he said, could take cognizance of such a question, so could the Supreme Courts of the States. But to show that the Supreme Court of the United States had no such power he contended that from the control of the Federal government over the subjects of taxation and appropriation the Constitution could be violated so that it would be beyond the power of the judiciary. The tariff and internal improvements were cited as instances. His argument then advanced to the postulate that if the Supreme Court had no such power of umpirage, the Congress could not have. Conceding the latter, the Constitution was a dead letter. The powers of Congress were restricted by the very terms of the Constitution. When, therefore, Congress exceeded these terms, their acts were null and void.¹ Such acts must be so declared by the courts in cases within their jurisdiction, and may be pronounced to be so by the States themselves in cases not within the jurisdiction of the courts or of sufficient importance to justify interference.² He maintained that the right of States to judge of infractions of the Constitution results from the nature of the compact not only, but also from express reservation of powers not delegated. He then considered propositions which had been suggested for remedy of the ills complained of, and asserted the futility of attempts to secure amendments to the Constitution. The Constitution did not admit the right of a minority to submit such amendments to the people. Congress itself, the violator of these rights of the States, stood as a bar in the way of remedy.³ He then advanced the argument which was the final resort of the men of this school. He said that the apprehension of the interposition by the States would pre-

Hayne argues that neither the Supreme Court nor the Congress is umpire between the States.

The final argument of State interposition.

Supreme Court is created in the higher sense by the people in their ratification of the Constitution. The Federal government under our system is the creature of the Constitution, which is the creature of the people of the States.

¹ Register of Debates, p. 89.

² Ibidem.

³ Ibidem.

vent the Federal government from attempting to act beyond its constitutional powers.¹ If three or seven (that is, a majority of a quorum) Supreme Court judges might render a decision nullifying an act of Congress, rendering an appeal by Congress to three-fourths of the States necessary, why might not a sovereign State be entrusted with the same power? But he thought that it should never be exercised "in a hasty manner or on doubtful or inferior occasions," quoting Mr. Madison again. He averred that then the Federal government was bound so far to acquiesce in the solemn decision of the State, acting in its sovereign capacity, as to make an appeal to the people for an amendment to the Constitution.² Certain questions were answered by Hayne in a way clearly to bring out the difference between his contention and that of the opposite school. "Would he justify an open resistance to an act of Congress sanctioned by the courts which should abolish the trial by jury, or destroy the freedom of religion, or the freedom of the press? Yes, sir, he would advocate resistance in such case, and so would I, and so would all of us. But such resistance would, according to his doctrine, be revolution; it would be rebellion. According to my opinion, it would be just, legal, and constitutional resistance."³ Hayne responded cordially to Webster's eloquence in behalf of Union. He said that because South Carolina loved the Union she opposed those usurpations of the Federal government which would sooner or later tear the Union into fragments. His peroration was not equal in rhetorical power and beauty to the second of Webster's, but was superior to the whole tenor of the latter's third and concluding speech. "The gentleman," said Hayne, "is for marching under a banner studded all over with stars and bearing the inscription, 'Liberty and Union.' I had thought, sir, the gentleman would have borne a standard displaying in its ample folds a brilliant sun, extending its golden rays from the centre to the extremities, in the brightness of whose beams the little stars hide their diminished

¹ Register of Debates, p. 91.

² *Ibid.*, p. 91.

³ *Ibid.*, p. 92.

heads. Ours, sir, is the banner of the Constitution. The twenty-four States are there in all their undiminished lustre. On it is inscribed, 'Liberty—the Constitution—Union.' We offer up our prayers to the Father of all mercies that it may continue to wave, for ages yet to come, over a free, a happy, a united people."¹

The discussion between Webster and Hayne was concluded on the same day by "a few words" from the former "on the constitutional argument which the honorable gentleman had labored to reconstruct." Webster found the flaw in Hayne's argument as to the general government being a party to the compact. Admitting, he said, for the sake of argument, the position that the Constitution is a compact between the States, the inferences Hayne drew therefrom were warranted by no just reason. That Constitution or that compact had established a government. He then restated rapidly his own position. The laws of the Congress were the supreme laws of the land, and the judicial power of the United States extended to every case arising under these laws. He affected contempt for Hayne's argument, which he did not answer. "He has not shown," said Webster, "it cannot be shown that the Constitution is a compact between State governments. It does not even say that it is established by the people of the several States; but it pronounces that it is established by the people of the United States in the aggregate." In these remarks Mr. Webster did himself and his cause great injustice. His concluding statement was bold and dogmatic, but inconclusive. He assumed what some of his ablest party friends regarded as untenable ground in the extract last made, and when he denied that the Constitution was a compact between the people of the several States he put his own word against all the historical evidence. We shall see that he receded from this position in 1850. Notwithstanding the

Conclusion of
the discussion
between Web-
ster and Hayne.

¹ Webster's fine passages in this debate have been so often quoted, I have merely indicated where some of them occurred.

weak points in his opponent's argument, it must be said, upon a full and disinterested view, that the victory was not with the Massachusetts Senator, greater lawyer and orator and more experienced statesman than he was. On the whole, the debate sustained the State rights party, but the specious reasoning in behalf of State interposition in the Union against the laws of the Union would not have stood an hour in a discussion with an orator of the early school of State rights of equal ability to that of the South Carolinian.¹

Benton concluded on February 2 a four days' speech, begun on the 20th of January, but which was postponed

February 2.
Benton's four
days' speech.

for the discussion between Hayne and Webster.

Benton replied, in his conclusion, to arguments and statements made by Webster in the previ-

ous debate. It was a speech of masterly power both in its array of facts and in its use of them. He showed from the

Jefferson au-
thor of the Or-
dinance of 1787.

journals that Jefferson, and not Dane, was the author of the Ordinance of 1787.² Eight States only were present, and every one voted for it.

Massachusetts was the only New England State represented. Delaware, Virginia, North Carolina, South Carolina, and Georgia voted in the affirmative, with New York, New Jersey, and Massachusetts. His manner in stating this fact and other historical proofs against Webster was exultant. He always had a greater array of facts than his contemporaries. Benton produced documentary evidence that the North had attempted to surrender the navigation of the Mississippi in violation of the Articles of Confederation, which required nine States, not simply a majority, seven;

¹ Judge Jeremiah S. Black in the Milligan case took the same position as Hayne on the Federal government being a party to the constitutional compact. Mr. B. J. Sage, in "The Republic of Republics," says that the real fourteenth party, if any, was the association called the United States. His contention is that the united republics, and not their agency, were to be the government. See pages 283 and 311 of his remarkable work, third edition, 1878.

² The whole speech as consolidated appears in the Register of Debates for this Congress, pp. 95-119.

that the South had resisted, and that North Carolina had finally defeated the movement.¹ The South, he showed from the Journals, was entitled to the honor of having passed the Ordinance of 1787.² He referred to the sufferings of the young West in the Indian wars, the generous policy on the part of the Southern States in Congress, and to the opposition on the part of the Northern to all measures of defence. More than fourteen instances of this opposition to Western interests were stated.³ Benton criticised Webster's magnificent outburst on the Union. "The Senator's speech on the blessings of the Union brought into full play the favorite Ciceronian figure of amplification, but violated the rule of propriety which required the fitness of things to be considered,—the time, the place, the subject, and the audience. There was nothing in the Senate or the country to grace its introduction. The time for it was when the five-striped banner was waving over the land of the North,—when the Hartford Convention was in session, amid the cry of 'Peaceably if we can, forcibly if we must,' and 'The Negro States by themselves, the Potomac and the Alleghanies the boundaries.'"⁴ Benton printed in parallel columns of this tremendous speech the votes on measures in the Congress of Western importance from 1816 to 1824, and from 1825 to the date of the discussion. In the former column New England was for and in the latter against the measures. He charged this change to the Presidential election of 1825, and said that on Eastern measures "we go by millions," while with difficulty the West obtained "a few miserable thousands."⁵

The old South
and young
West.

New England
and the West-
ern States.

Sprague.

One of Sprague's arguments in reply to Benton was that because some New England votes were cast for certain measures of Western interest, as the acquisition of Louisiana, they could not have passed without her aid, and she should therefore have the credit

¹ Register of Debates, pp. 97-99.

² Ibid., p. 99.

³ Ibid., pp. 102-105.

⁴ Ibid., p. 111.

⁵ Ibid., p. 116.

of having secured their passage, although a majority of her votes were cast against them.¹ Notable speeches were made during the debate on the Foot resolution by Rowan, of Kentucky;² Barton, of Missouri;³ Holmes, of Maine, who made an able and ingenious reply to Benton, Rowan, and the strict State rights view;⁴ Woodbury, of New Hampshire, who contended that the general government were the servants and the States the masters;⁵ Smith, of South Carolina,⁶ who brought an array of official figures on the land question, to refute the position of his colleague, and discussed all of the other topics introduced in this wide-reaching debate, taking on State rights more moderate ground than Hayne had done, but being not less explicit than he had been in declaring for the right of resistance; Grundy, of Tennessee, who denied the right of the Federal government to use force upon a State to sustain its own adverse determination on any question;⁷ Clayton, on March 2 and 4, who debated in a long and very luminous speech the power of removals; replied to in a learned and argumentative effort by Livingston, of Louisiana, on

¹ Register of Debates, p. 122.

² Rowan's view (p. 129 *et seq.* of Register of Debates) is presented with great lucidity, force, and refinement. It is the radical State rights view, in which the doctrine of restraint upon State sovereignty is denied. Each State, he says, exerts its plenary sovereign power jointly for all the legitimate purposes of the Union, and separately for all the purposes of domiciliary or State concerns. Page 136. He says that an appeal by the injured State would be as unavailing as it would be unwise. A majority of States have passed the obnoxious law, and the State cannot efficiently make the appeal (p. 142, Register of Debates).

³ February 9. He is the very Thersites of debate. Bitter objurgation, especially of Benton, his colleague, distinguishes the speech on this occasion (p. 146).

⁴ February 18, 19, p. 160 of Register of Debates.

⁵ February 23, 24, Register of Debates, p. 179. He asserted that only moral or physical force can be used against any process of the Supreme Court, and the latter only when the evil is extreme and palpable (p. 186).

⁶ Register of Debates, p. 196. He convicted Benton of inconsistency on the subject of internal improvements.

⁷ Register of Debates, p. 231.

March 9 and 15, which, however, did not affect seriously the positions it assailed.¹ He believed in the Constitution as a compact and the Supreme Court as the arbiter under the Constitution "in any case of law or equity between persons, or on matters of whom or on which that court has jurisdiction, even if such decree or judgment should, in the opinion of the State, be unconstitutional." But he held that "in cases in which a law of the United States may infringe the constitutional right of a State, but which in its operation cannot be brought before the Supreme Court under the terms of the jurisdiction expressly given to it over particular persons or matters, that court is not created the umpire between a State that may deem itself aggrieved and the general government." He combated Webster's theory of a popular government, but admitted that the government as established, so far as its operations extended, was both popular and federative. Respecting the current talk of disunion, he said, "The bond cannot be unloosed until it is wet with the blood of brothers."² Johnson, of the same State, denying Benton's right to speak in the name of the West, affirmed that a new party founded on State rights was arising and tending inevitably to a dissolution of the Union. He contended against the right of veto in individual States. The Virginia and Kentucky resolutions were merely declaratory. In contradistinction from Webster, he averred that the Federal government was established by the people of the several States, but for great national purposes.³ The subject was postponed until May 20, when Robbins, of Rhode Island, contended that the Constitution was paramount to the State constitutions, and that the confederation was a nation. He said that the master states of the world would be lost in the blaze of the Union as stars were lost in the noontide blaze of the sun.⁴ Indirectly admitting the defeat of his object, Foot made a brief defence of the North from the speeches

May 20.

¹ Register of Debates, p. 247 *et seq.*

³ *Ibid.*, p. 292.

² *Ibid.*, p. 270.

⁴ *Ibid.*, p. 438.

of Benton and Hayne, and also treated the public land and official removal questions.¹

The great omnium gatherum debate closed on the 21st of May with speeches by Benton and Sprague.² The latter's remarks were brief and not sufficient to turn the advantage which the other had won on the several questions that had been discussed. Benton reviewed with more circumstantial force than before the official history of the adoption of the Ordinance of 1787. Jefferson wrote the first draft, including the anti-slavery clause, which was rejected but not restored by the necessary majority when it had reached Congress. On July 13, when the ordinance finally passed, only one vote—that of Mr. Yates, of New York—was recorded against it. The chairman of the committee who reported it was Mr. Carrington, of Virginia; of the five members, two were Virginians—Carrington and Richard Henry Lee—and three were Southerners, these men and Kean, of South Carolina; Dane, of Massachusetts, and Smith, of New York, were the other members of the committee. On its passage five slave States and three anti-slave States were present. Four Northern States were absent. Only one New England State was represented in the vote. Virginia gave the greatest number of individual votes for the measure, she who had furnished the first and the last chairman of the committee.³ Jefferson's ordinance was adopted, but the clause excluding slavery was afterwards stricken out, and was not restored when the anti-slavery States had a majority present in Congress. Benton also showed that the anti-slavery article, with the addition of words of compact between the original and the new States to come into the

May 21. Close of the debate on the Foot resolution.

¹ In his opinion, the President had not the power of removal because he did not possess the power of appointment. *Register of Debates*, p. 444.

² *Ibid.*, pp. 447-452.

³ *Register of Debates*, p. 448; *Journal Confederate Congress*, p. 754. Benton's meaning was that Jefferson's ordinance of 1784 was the one which was finally adopted.

Union, was in fact adopted, as proposed by King, and not rejected, as had been stated by Webster. This was in March, 1785. That compact was a part of Jefferson's ordinance of 1784, and the other was the rejected article offered by Jefferson in that year. He declared that Webster had endeavored to deprive Jefferson of honors in order to place them on Dane's brow.¹

¹ Peter Force, in Appendix I. of the St. Clair Papers, in giving an account of the Ordinance of 1787, says that Jefferson's plan for a temporary government of the Western Territory was adopted, and was the law of the land until repealed in 1787. The whole subject of slavery in the Northwest Territory is discussed by Dunn in "Indiana" (American Commonwealth series, Boston, 1888). He refers to the claims made by or in behalf of Dane, Jefferson, Rufus King, St. Clair, Richard Henry Lee, Grayson, Edward Carrington, and Manasseh Cutler. On page 204, he says that "the ordinance as adopted was an entirely different instrument from any that had before been considered by Congress, and yet it included the greater part of the preceding propositions." Benton is sustained partly by what he next states: "The identity of phraseology shows that whoever drafted it had the older reports before him at the time." The sixth or anti-slavery clause as a whole did not appear in the ordinance as reported and printed. Mr. Dunn says that it was introduced on July 12, and appeared on the printed bill as an amendment in the handwriting of Dane. In a letter to Monroe, dated August 8, 1787, Grayson says: "The clause respecting slavery was agreed to by the Southern members for the purpose of preventing tobacco and indigo from being made on the northwest side of the Ohio, as well as several other political reasons." Existing slavery was not abolished. Its legality went unchallenged by the courts in Indiana. Page 237 of Dunn's "Indiana" for the last statement. Alexander Johnston, in Lalor's Cyclopædia (New York, 1895), says that "the fairest view is that Jefferson's report (adopted April 23, 1784) was the framework on which the ordinance was built."

Monday, March 1, 1784, Congress received the deed of cession of Virginia at the hands of the delegation of that State authorized to execute it,—namely, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe. Page 342 of the Journals of Congress, 1784. Congress had by the act of September 6, 1780, recommended a liberal cession of a portion of their claims to the several States having claims in the western country. Virginia had, accordingly, January 2, 1781, yielded all right, title, and claim which she had to the territory northwest of the Ohio River for the common benefit of the Union. The deed of 1784 stipulated for the States to be admitted as "members of the Federal Union, having the same rights of sovereignty, freedom, and indepen-

Pending this great debate in the Senate the country was agitated over the tariff and other questions which had divided both parties and sections. The low-tariff newspapers insisted that no time was more suitable than that for revising the tariff. But some of the strongest of them did not regard the condition of things as presenting a case of last resort.¹ Some of the Jackson papers discussed the matter of his renomination, and on the 31st of March the Democratic members of the legislature in Pennsylvania warmly endorsed his administration, and nominated him for a second term. During this year five of the six New England States voted with the administration. The Bank and the Maysville veto were topics of great interest during the year. In New York the workingmen formed a political organization, which was called, from the name of the famous agitator of English birth, "the Fanny Wright party." In February, to go back a short time, there was some gossip concerning the intention of Mr. Branch, Secretary of the Navy, to resign his seat in the cabinet.² This was followed by rumors of a breach of amity between Vice-President Calhoun and Mr. Van Buren, Secretary of State. They proceeded from the opposition in the first instance. In June and July of the same year Jackson was nominated in county meetings in Kentucky as the friend of the tariff and of internal improvements. The Anti-Masonic Convention met in November at Philadelphia. There were no members from the States south of Maryland. In our brief notice of the general political events of the time we conclude with the statement that towards the end of 1830 there was a movement for a

dence as the other States." Protection for the settlers in their "rights and liberties," "their possessions and titles confirmed to them," was also stipulated. In 1786 Congress asked the States to revise their acts of cession.

Reference begins at page 11 of the Journals, and ends at page 835 of the volume for 1782-88, for cessions of territory to the United States.

¹ Richmond *Enquirer*, June, 1830.

² *Ibid.*, February 4.

convention of the National Republicans soon, to be called Whigs.¹

In South Carolina Dr. Cooper and the *Mercury* continued the opposition to the tariff, and there were signs that the policy of internal improvements was as obnoxious there as protection.² The prominent men of the State made frequently addresses at public meetings. At one of these dinners, given in Charleston on the 1st of July, there were nearly six hundred persons present. It was a brilliant assemblage of the talent of the State. The portraits of Washington and other Revolutionary heroes and statesmen appeared on the walls, and there was a display of United States flags. Among the designs was the motto taken from Hayne's celebrated speech, "Liberty—the Constitution—Union." Opposing nullification, Colonel William Drayton, who had been a member of the old Federal party, said, "A crisis might arise when the bonds of the Union ought to be broken. The right of the State to secede from the Union I unqualifiedly concede; but so long as she belongs to it, if she be not bound by its laws, the monstrous anomalies would exist of a government whose acts were not obligatory upon its citizens and a State constituting one of the members of the Union whilst denying the authority of its laws." Disunion, he thought, was "incalculably more to be defended than the existence of the law which we condemn." Hayne spoke at length and eloquently in favor of the prevalent doctrine in South Carolina and in defence of the State's course, and complimented President Jackson for the Maysville veto-message. Cheves and Hamilton advocated the policy of consultation and joint action by the Southern States.³ At the dinner to McDuffie at Edgefield, on the 4th of August, the Union, the President, and the Vice-President were toasted. But the second toast was quite bellicose,—“South Carolina:

The agitation
in South Carolina.

Public meetings.

Drayton.

¹ *National Intelligencer*, December 28.

² *Winyaw Intelligencer*, quoted in *National Intelligencer*, October 2.

³ *Charleston Mercury*, July 3; *Niles's Register*, July 17.

those of her sons, who feel for their insulted country as freemen ought, would rather see this State one vast mausoleum for the honored dead than to see her

Bellicose toasts.

strike her colors and raise the recreant voice of submission." At one of the dinners near Charleston Governor Miller gave the toast: "The right to fight,—the only principle in the law of nations worth preserving." Among the gatherings in favor of the policy of holding a convention was one held at Columbia on the 20th of September, at which there was an attendance from all portions of the State. Only eight votes were cast against the proposition. It was as yet, as a local journal of the time stated,¹ not a question of nullification, but simply of convention or no convention. Supreme Judge Johnston, on the side opposed to measures of resistance, in a printed controversy with Governor Taylor, doubted if there was a man in South Carolina who agreed with him (Johnston) on seven of his eight points.² Indeed, there was practically no sentiment in the State in favor of even a moderate theory of national consolidation. The issue of convention or no convention was presented at the elections for members of the legislature. The city of Charleston gave a majority against the convention or extreme State rights party. The measure required a two-thirds vote, and did not prevail at that time.³ In a strong letter, written just before the elections, Senator Smith exposed the irrationality of nullification. He was defeated for re-election to the Senate that winter on account of his position on the question of State resistance.

Judge William Smith on nullification.

¹ The *Columbia Telescope*.

² Drayton, Smith, and about all of the leaders of the opposition, were State rights men, and most of them believed in the right of secession. Johnston was a protectionist. He favored giving the United States Senate the right, by a two-thirds vote, to decide on the constitutionality of State laws.

³ The vote on the call of the convention was, in the Senate 23 for, 12 against; in the House, 60 for, 56 against. The South Carolina Legislature adjourned on the 19th of December. *Niles's Register*, January 8, 1831.

In the fall elections New York and New Jersey supported the Jackson administration, although in the former State it would appear that national politics did not enter to a large degree. Clay, who had been endorsed, along with Union and the American system, by the Kentucky State convention, carried Ohio except the legislature. As early as this, both sides were getting ready for a renewal of the conflict of 1824 and 1828.

In the States bordering upon South Carolina there were movements, official and otherwise, more or less sympathetic. The message of Governor Owen, of North Carolina, declared that the tariff called for a solemn protest.¹ A common treasury without

The State elections.

The States bordering on South Carolina.

deriving a common benefit from it and a common contribution to replenish it was as unjust as a community of goods without a community of toil. The Georgia House of Representatives asserted that the tariff and internal improvement legislation were unconstitutional. In Georgia, as in Virginia, there was a strong State rights feeling which was bitterly hostile to the nullification movement.

One of the newspapers of the former State, published at the capital, charged that the nullifiers were once latitudinarians; that the true State rights party were represented by Smith, whom they had put out of the Senate.² The North Carolina House of Commons adopted anti-nullification resolutions by a vote of 87 to 27, and unanimously the resolution declaring that the sentiment, "the Union must be preserved," was one challenging approbation and promising to save the Union from disunion and anarchy.³

Hostility in the South to the nullification movement.

Early in the year 1831 a publication which was to have far-reaching consequences was made in a Washington newspaper. It was extensively reprinted and was the subject of much comment throughout

1831.

¹ *Raleigh Star*; *Richmond Enquirer*, November 23.

² *Milledgeville Recorder*, quoted by *National Intelligencer*, August 3.

³ *Niles's Register*, February 5, 1831.

the country.¹ This was the publication of all the letters bearing on the Seminole affair and the position of Monroe's cabinet with reference to General Jackson's attitude and action on the occasion.

Letters on the Seminole affair. Jackson and Calhoun.

Jackson had always thought that Calhoun had approved of his conduct. The correspondence, which was precipitated by the friends of Crawford and Van Buren, who were enemies of Calhoun, showed the contrary. The friends of the latter asserted that he did not desire a breach with General Jackson, but that he would not shirk responsibility. The whole controversy seems to have originated from the ambition of Van Buren and Calhoun to succeed Jackson, if he should not be a candidate for re-election to the Presidency, and the disposition of the Clay press to foment discord in the other party. But important factors in the affair were the grudge that existed between Crawford and Calhoun and the suspicions of Jackson. If he had not been before inclined to support Van Buren, the publication of the correspondence induced him to decide upon that course. Meantime, however, matters were shaping themselves for the renomination of the President.

Causes of the controversy.

The excitement in Washington at the close of the session was unprecedented.² The Calhoun-Crawford-Jackson correspondence only added to the confusion of party warfare, in which its effect was for a time to change the relations of men to parties. The President refused to appoint a nullifier to an office in Charleston, although the applicant was backed by others who were not of that party.³ A dinner was given to Webster, during the latter part of March, in honor of his efforts in the debate with Hayne and Benton; Chancellor Kent presided, and Webster made a great speech. At a later day nullification was toasted in Charleston, at a dinner to McDuffie, as "the only rightful remedy of an injured State."

Excitement and confusion.

¹ *United States Telegraph*, February and March; also *Globe* and *National Intelligencer*. It was reprinted in *Niles's Register*, vol. xl., March 5-19, April 2.

² *Niles's Register*, March 5.

³ *Ibid.*, March 12.

Meanwhile several members of the cabinet had resigned. The circumstances of their resignation and the correspondence that ensued provoked an angry state of public feeling which continued for several months. The members who retired were known as Calhoun men, except Van Buren, Secretary of State, who was to give way for the temporary good of his party and as a decent pretext for the pressure which swept Ingham, Berrien, and Branch from their places at the head of, respectively, the offices of the Interior, the Attorney-General, and the Navy. The letters revealed a singular state of social relations, and the President's ostensible reason for what he did, if it had been his sole ground, would have done credit to his gallantry. But that he made the refusal of some officers of the government to receive the wife of the Secretary of War, General Eaton, at their official receptions, an excuse for getting rid of a cabinet which was not wholly in sympathy with his political objects became apparent, although the real motive was not at first suspected. This episode is not one of those passages in our history that suffuse the face with pride.¹

Rupture of the cabinet.

Social and political reasons of the President.

In January, 1831, William Lloyd Garrison established the *Liberator*, with the programme of "immediate and unconditional emancipation."

Garrison's *Liberator*.

Mr. Calhoun had so far taken no direct part in the South Carolina proceedings. Carefully observing the proprieties, he, as Vice-President of the United States, would not make himself a party to a movement the effect of which might be to sunder the Union. Indeed, almost up to the moment of his "Exposition," printed in a village newspaper, the Pendleton (South Carolina) *Messenger*, it had been asserted by impartial persons and newspapers that he was not an advocate of nullification.² This paper was a singularly acute, metaphysical, original, but

Calhoun's exposition.

¹ *Globe*, *Telegraph*, *National Intelligencer*, and *Niles's Register*, during the summer of 1831.

² It was denied that he was a nullifier in *Niles's Register*, vol. xl. p. 49.

essentially unsound exposition of constitutional principles. What he called "the high controlling power" was in the will of "a majority compounded of a majority of the States taken as corporate bodies, and the majority of the people of the States estimated in federal numbers." The Supreme Court was not the final arbiter. The appeal was to three-fourths of the States. He contended that the Virginia Report had placed the matter beyond controversy. "The States had no right to this high power of interposition, . . . except in cases of dangerous infractions of the Constitution, and then only in the last resort, when all reasonable hope of relief from the ordinary action of the government had failed; when, if the right to interpose did not exist, the alternative would be submission and oppression on one side, or resistance by force on the other." Calhoun remarked the antagonism of the sections on the tariff, and declared that a reduction of the duties to a fair system of revenue was necessary. The proposed division of the surplus in the treasury among the States was denounced as "the most dangerous, unconstitutional, and absurd proposition ever devised by any government." The presentation of the questions at issue was in very temperate and elevated language.¹

Meetings were held throughout South Carolina, some in advocacy of nullification, others in opposition. Ex-Senator Smith was present at Spartanburg, where Jackson was complimented in resolutions and Calhoun, in effect, discountenanced. The Union party viewed nullification as a highly irregular and unconstitutional measure, leading to civil war, disunion, or disgraceful retreat.²

Union meetings
in South Carolina.

¹ Mr. Calhoun and his school drew wrong inferences from the Madison report. That document insisted only upon the right of protest, and possibly in the last resort of a dissolution of the Union. It claimed the right to state infractions of the Constitution, but did not provide for nullification in the proper sense of the word. There must be an eternal difference between the final appeal from the Union and the right in the Union to defy the majority.

² At St. John's, Colleton, August 9.

On the 30th of September what was called the free-trade convention met in Philadelphia. Fifteen States were represented. Among the delegates were Gallatin, P. P. Barbour, Chancellor Harper, Cheves, Iredell, and Berrien. Against Gallatin's opinion a declaration was adopted, by a vote of one hundred and forty-nine to twenty-nine, setting forth that the tariff was unconstitutional.¹ A convention of the friends of the tariff was held in New York on the 26th of October. It was a larger body than the other. One of the utterances of the tariff convention was the following: "Congress cannot look with one glance to revenue and the other to protection." One of the special benefits of the protective tariff was declared to be the lowering of prices abroad, claimed to be the result of American competition. With strange fatuity or perversity it was denied that the distress at the South had been increased by the passage of the tariff of 1828. The address, which was very long, closed with a eulogy of the Union and an exhortation to support it.²

September 30.
The convention
at Philadelphia.

October 26.
The tariff con-
vention in New
York.

Connected with these events were the general party movements of the time. The Anti-Masons nominated William Wirt, of Virginia, and Amos Elmaker, of Pennsylvania, for President and Vice-President. At the end of the year, the National Republican convention nominated Clay and Sergeant for its Presidential ticket. Jackson was not nominated until the following spring.

Party move-
ments.

In a previous chapter precautions against a servile insurrection in certain localities of the Southern States were spoken of. Such safeguards had not, up to the event about to be recorded, been taken in Virginia. The white people of that commonwealth sustained somewhat different relations with their servants from those

Servile insur-
rection.

¹ *Niles's Register*, October 8, 15.

² *Ibid.*, November 12, address on p. 204. One of the speakers said that the tariff was then almost a nullity; that the manufacturer, owing to frauds on the revenue, did not enjoy more than forty or fifty per cent.—*Niles's Register*, p. 203.

sustained by the slave-holders of the far South with theirs. In Maryland, Virginia, and North Carolina there was felt almost perfect security from that source of danger, and while the intelligent and controlling class apprehended trouble to come from the institution it was thought that it would be purely political and would not seriously—at least for a long while—affect domestic peace and the personal safety of the planters and their families. When, therefore, the news

was spread over the South in the latter part of August.

August that an insurrection of the slaves had occurred in Southampton County, Virginia, and that a large number of lives had been sacrificed, the greatest consternation prevailed.¹ The excitement among the

The Southampton massacre.

slaves was produced by the negro preachers, led by one of them, named Nat Turner. The first family murdered bore the name of Travers. The number of the insurgents was not at any time large, but some of them were mounted and armed, and thus eluded the efforts which were promptly made by the State authorities to capture them and suppress the revolt. They attempted to reach the Dismal Swamp, not many miles distant, where they would have been able to go into secure hiding and depredate on the neighboring farms until some great conflagration in a dry summer should drive them from their fastness. Several en-

The outlaws overpowered October 30.

counters took place between the outlaws and the militia. At length, on the 29th of August, the insurrection was at an end. But the leader was not caught until the 30th of October. He was found in a cave not far from the scene of the horrors. The insurgents were all caught, tried, convicted, sentenced, and executed by due process of law. Their offences had been the most heinous known to the times. In that part of the

A causeless rebellion. Its leader.

South the slaves were kindly treated, almost without exception; the leaders in the revolt were the most favored and most intelligent; they appeared to have been most cruel to those masters and

¹ The first rumors were gross exaggerations. It was said that from three hundred to eight hundred negroes were under arms.

their families who had been most indulgent; and, altogether, it was a causeless rebellion, atrocious in its outbreak and progress and happy in its speedy suppression by the firm hand of official power.¹

The Southampton insurrection left an uneasy feeling in lower Virginia and North Carolina, which caused a tightening of the lines on the part of the masters.

Martial law was proclaimed at Wilmington and other places in Eastern North Carolina, and the militia were called out. Free negroes were arrested. Several blacks were tried for conspiracy to commit wholesale murder, and executions took place in several States.² Many white women and children fled to the swamps. It was a considerable time before the terror abated, and there was never again in the South a feeling of security. Some notion of the general unrest may be derived from the recommendations of the Governor of Virginia in his annual message to the legislature. He advised

Uneasy feeling
in Virginia and
North Carolina.
Executions.

¹ For general facts see *Niles's Register*, September–November, inclusive; also Governor Floyd's message, *Niles's Register*, for January, p. 350. The governor says that sixty-one persons were massacred, mostly women and children. He also states that the number of "the banditti of slaves"—his expression,—“never exceeded seventy in number.”

The following description of "General" Nat Turner was given by his owner, P. R. Beverley, of Alexandria, Virginia: "A black man, six feet two inches high, or thereabouts, not corpulent, but very muscular; has, or had eighteen months ago when he ran off, a wart on the upper lid of one of his eyes, about the size of a large duck-shot, and a scar, not very large, on his forehead," etc. Further, he is said to have been expert as a scin-hauler and plantation hand, had a "smooth tongue," large feet and hands, thin, but strong frame; he often showed a specious smile; he was about forty years of age. Mr. Beverley says that Nat ran off from Old Point, where he was at work, with thirty dollars of his master's money. At Old Point he became a Baptist preacher, and claimed to have been inspired.—Clipping from *Baltimore Gazette* in *Washington Globe*, September 23, 1831. A correspondent of the *Richmond Whig*, who was present at the trial, says that Nat Turner only pretended to be a Baptist minister.

² *Washington Globe*, September 20; *National Intelligencer*, September 26; *Niles's Register*, November 19, December 10, 1831; also for brief mention several State histories, as Moore's North Carolina.

that slaves should be confined to the plantations of their masters, and recommended an appropriation for the removal of free persons of color.

But while the insurrection excited such feelings as these in all the slave States another spirit seemed dominant among the thoughtful public men of Virginia.

1831-32. Emancipation debate in the Virginia Legislature.

In December of the session of 1831-32 the subjects of emancipation and colonization arose in the legislature. The debate lasted thirteen days. The decision was against the expediency of present action, although "the great evils arising from the condition of the colored population" were admitted. In the resolutions adopted sympathy for the scheme of colonization was extended in accordance with public sentiment. The *Richmond Enquirer* and *Whig* and other newspapers of the State urged the enactment of a law of gradual emancipation. The *Enquirer*, then one of the most influential journals of the country, held this language: "Are we forever to suffer the greatest evil which can scourge our land not only to remain, but to increase in its dimensions? . . . Means sure, but gradual, systematic but discreet, ought to be adopted for reducing the mass of evil which is pressing upon the South, and will still more press upon her the longer it is put off."¹ Some of the leading advocates of emancipation were Messrs. Moore, Thomas J. Randolph, Charles J. Faulkner, Rives, and Bolling; of the opposition, Messrs. Leigh, Brown, and Gholson. Considerable eloquence and acumen were displayed on both sides of the discussion. The emancipationists insisted that the origin of slavery was in fraud and violence; that it was against moral sentiment, civic policy, and sound industrial principles; that it had degraded Virginia from a first to a third rate commonwealth; that from the increase of the black population there was danger of servile insurrection, and the extermination of many of the white people. These arguments were met by a qualified defence of slavery as an existing

¹ *Enquirer*, January 7, 1832.

institution.¹ This was the last great appearance of the anti-slavery sentiment in the South. The lines were too tightly drawn henceforth for much if anything to be manifest of that historic abolitionism which judged of slavery by a practical knowledge of its ills and not by a sentiment which might have been tinged by political jealousy.

What was known as the Jackson party, now called formally the Democratic party, nominated Jackson and Van Buren for President and Vice-President, at Baltimore, on the 22d of May, 1832. The latter

1832. May. 22.

did not give satisfaction to some of the Southern Democrats who supported General Jackson. Ex-Speaker P. P. Barbour, of Virginia, was brought out by various conventions and legislative caucuses as the candidate of the party for the Vice-Presidency. Mr. Barbour withdrew subsequently from the contest, on the ground that his candidature might imperil Jackson's election.²

The first national convention of the Democrats. Dissatisfaction in the South

Events in South Carolina were shaping for a more definite expression of the ultimate feeling of the majority. In the South generally the "Exposition" of Mr. Calhoun had been received as a frank, able, and unpopular statement of views. It was treated with respect, and no suspicion of wrong motives was entertained.³

Heresy and nonsense of nullification.

But the heresy and nonsense of nullification was the subject of many speeches and editorials.⁴ The South Carolina delegation in Congress published an address to the people of that State on the 13th of July, 1832.⁵ The burden of the tariff, they said, rested on the anti-tariff States. The toasts

The South Carolina Congressional delegation.

¹ *Richmond Enquirer*; also Daniel R. Goodloe's "Southern Platform," pp. 43-54.

² October 24.

³ Extracts in *National Intelligencer*, August 24, 1831, from various newspapers.

⁴ Some of the journals treated it seriously, under the caption of the "Crisis."

⁵ Senators Hayne and Miller and Representatives McDuffie, Davis, Felder, Griffin, Nuckolls, and Barnwell. *Niles's Register*, August 4, p. 414.

and speech-phrases, which, the year before, had been usually pacific, were now bellicose. Such expressions as "baptism in blood," "in the field of battle," etc., were of frequent use. Even the Fourth of July celebrations partook of this

character of hostility.¹ In the fall of this year, 1832. nullification was rampant. H. L. Pinckney, editor of the *Mercury*, was elected mayor of Charleston amidst violent excitement. In one of his published letters Calhoun said that in a few years the South Carolina doctrine would be the established political faith of the country. In his opinion the danger was not disunion, but loss of liberty. The nullification paper at the State capital observed: "The union of these States is now virtually dissolved,—dissolved in the only place where it ever can be permanent, viz.: in the hearts of the people."²

But Union meetings were held in South Carolina and other Southern States. At the convention of that party in Columbia an address to the people was adopted, which declared that the theory of nullification falsified the history of the country. But the convention also averred that there was no tariff party in South Carolina. It was proposed to hold a convention of the Southern States for "deliberation as well on the infraction of their rights as on the mode and measure of redress." There were hints of "interposition" by combined action. It is very evident that many, if not most, of the Union party, so-called, in South Carolina and Virginia, were secessionists in the last resort. The resolutions adopted by this convention expressed a desire to unite with the other party "on any ground which promises a redress of our grievances without involving a violation of the Constitution of the United States;" pledged the members of the convention to abide by the action of a Southern convention, and arranged for a committee of correspondence. The venerable ex-Governor Thomas Taylor presided.³

¹ *Niles's Register*, August 4, p. 387.

² *Columbia Telescope*, quoted in *Niles*, p. 77.

³ *Ibid.*, p. 87.

An allusion to a possible combination of seven Southern States was made by the display at Oglethorpe, Georgia, of a seven-striped banner. P. P. Barbour, in reply to an invitation to address a meeting in North Carolina of the political friends of General Jackson, wrote that "the only rightful remedy (in such cases as South Carolina would provide nullification for) was that of secession . . . to be applied only in cases of hopeless extremity."¹

We should return at this point to the course of tariff legislation. On the 5th of February, 1830, McDuffie reported from the Ways and Means Committee a bill which contained among its provisions the 1830. following: Duties to be levied in lieu of those then imposed, from and after June 30, 1830, on iron in bolts and bars, ninety cents per hundred and twelve pounds; in pigs for same weight, fifty cents; hemp and flax, unmanufactured, thirty-five dollars per ton; cotton bagging, three and three-fourths cents per square yard; unmanufactured wool, twenty-five per cent. *ad valorem* until June 30, 1831, and five per cent. every year until the duty should be reduced to fifteen per cent. *ad valorem*, provided that all wool, the actual value of which at the place whence imported shall not exceed ten cents per pound, shall pay a duty of fifteen per cent. *ad valorem*, and no more, from after the 30th of June, 1830; on all woollen or part woollen manufactures, except worsted manufactures and blankets, which were to pay twenty-five per cent. *ad valorem*, a duty of thirty-three and one-third per cent. *ad valorem*; cotton or part cotton manufactures, twenty-five per cent. *ad valorem*, except nankeens imported directly from China; salt, ten cents per bushel of fifty-six pounds; molasses, four cents the gallon.² Objection was raised by a Pennsylvania member to a discussion of the bill. The yeas and nays were ordered on the question of rejection. Cambreleng and Barbour desired a fair consideration of the question presented in the bill, and Strong, of New York, asked for a postponement. On the

¹ *Niles*, October 20.

² *Register of Debates*, p. 555.

8th of February Strong's motion to table the measure prevailed by a vote of one hundred and seven to seventy-nine.¹

The debate on March 11 was on Polk's amendment to Anderson's resolution instructing the Ways and

March 11.

Means Committee to bring in a bill for a drawback of nine cents per gallon on rum distilled in this country from foreign molasses when such rum was exported. The amendment allowed a drawback of four and one-half cents per square yard on foreign cotton bagging exported either in the original packages or around cotton bales.² The Southern members contended that as the greater part of the bagging was still imported, Kentucky did not require the duty. There was no duty before 1824, the duty of which year had been increased in 1828 from three and three-fourths cents to five cents per square yard. Some of the Southern speakers repelled the charge that the South was against all tariff duties or favored disunion if the present duties were not reduced.³ Finally, on March 16, the resolution and proposed amendments by Polk and Gorham were laid on the table.⁴

Mallary reported from the Committee on Manufactures a bill the purpose of which was declared to be to enforce the law of 1828. It concerned the collection of the duties, and was for the purpose, as alleged, to prevent fraudulent invoices.⁵ A bill reducing the duties on tea and coffee passed, after failure to incorporate amendments to reduce the salt duty. The duties were made specific by the adoption of McDuffie's amendment.⁶

Debate was resumed on the 26th of April upon the bill reported by Mr. McDuffie. He offered and

April 26.

discussed a proposition to strike out all after the first section. About the same time the House con-

¹ Register of Debates, p. 556.

² *Ibid.*, pp. 605-612.

³ *Ibid.*, pp. 615-617.

⁴ *Ibid.*, p. 624. Gorham's amendment included cotton exported from any State to any other State or to any foreign port as merchandise. It also provided that foreign wool, costing not more than 10 cents per pound at the place whence imported, might be imported free of duty. *Ibid.*

⁵ *Ibid.*, p. 795.

⁶ *Ibid.*, pp. 803, 808.

sidered a navigation and import bill from the Committee on Commerce, reported by Cambreleng and opposed by Mallary and Gorham.¹ On the 3d of May, Blair, of South Carolina, alluded to the tariff system as "this rider on the pale horse (spoken of in the Apocalypse) that brings all hell after it."² Elaborate arguments against and for protection were made by McDuffie and Davis.³ The policy was treated at large. McDuffie's was an incisive, eloquent, bitter arraignment of the tariff, charging general impolicy, special oppression of the South, and essential unconstitutionality. This unconstitutionality, he argued, was the worse because it was covered under the form of legality, as the act could not be declared unconstitutional by the Supreme Court. He further contended that a tyranny by votes was worse than one by arms, because more insidious and giving less opportunity for resistance. State bounties, he said, with Hamilton, would be one of the most efficacious means of encouraging manufactures. No man dared to avow the true cause—the avowal of which, he averred, would not be tolerated by the moral sense of the country—why the manufacturing States, having the undoubted power, would not extend any protection to their own manufactures, but sent them to Congress for relief.⁴

May 3. The
Pale Horse.

McDuffie.

Davis.

Davis devoted a large part of his reply to McDuffie's argument that the exports of the South paid the duties on imports. The latter's interruptions and corrections served to impair the statement the Massachusetts member was making of the views of the South Carolinian. Davis contended that if the duties were taken out of the raw material, because of the tariff in the United States, then there should be a discrimination in the price of cotton from different portions of the world, and it should bear a higher or lower price according as the duties on manufactured articles were higher or lower in the coun-

¹ Register of Debates, pp. 863-866.

² Ibid., p. 870.

³ Ibid., pp. 842-862, for the former ; 873-884, for the latter.

⁴ Ibid., p. 855.

try from which it was brought. But no such discrimination existed, for cotton of the same quality bore in market the same price, from whatever country it came.¹ To this McDuffie replied that he agreed with the statement of the fact that cotton bore the same price, come whence it might, but that the Southern planter received goods on which he paid a duty of two hundred and fifteen per cent., while the planter of Brazil received goods on which he paid a duty of only fifteen per cent. That was the reason why the Southern planter was ground down and the other was not. Davis, in his rejoinder, argued that if the duties were deducted from the raw material and paid, as the gentleman had asserted, by the grower, because the purchaser controlled the market, then it was clear that less would be deducted from Brazilian cotton than from ours, and there would be a discrimination in price—a difference in the value. He had shown that there was no such difference, and the gentleman had admitted it. McDuffie, however, showed that his own argument was not that the Brazilian grower could not raise his price, but that the American grower could not.² Davis, in the latter part of his remarks, speaking of the Southern planters, observed: "They aim to build up the cotton, tobacco, and rice interests at the expense of the rest of the nation, to make nine millions of people bow down to three millions, to constrain us to give up the market to them and ruin ourselves, that they may try an idle experiment to see if they cannot obtain a larger price for cotton."³

Crawford, of Pennsylvania, on a subsequent day, replied to McDuffie's question as to State bounties, which he admitted had not been answered: "Does not the
Crawford.
sagacious gentleman perceive that such a measure would be worse than useless, that the bounty given would be for the benefit of the citizens in the neighboring States whose manufactures would be undersold by those

¹ Register of Debates, p. 877.

² Ibid., p. 877.

³ Ibid., p. 883.

receiving the bounty, and that the advantage could not be confined to the citizens of one State?"¹ Among other speakers were Barnwell, who agreed with his colleague that producers paid the duty;² Wayne, of Georgia;³ Young; Cambreleng, in reply to McDuffie and Davis; Everett, of Massachusetts, whose solution of the Other speakers. question raised by McDuffie was that what in its last form was a Southern staple was in reality in part the produce of other portions of the country.⁴ He said that the planter paid the tax as consumer, not as producer. Unlike Gorham, he did not concede that there was any case in which the producer and not the consumer paid the duties. He gave it as his deliberate opinion that the States most benefited by the laws for the protection of manufactures were those which lay south of the Potomac. His reason was that the South held a monopoly in slaves, that this species of property depreciated because of the state of the cotton, rice, and tobacco market, and that it could be profitably sold to the sugar planters of Louisiana.⁵ Drayton quoted Mr. Huskisson's declaration in the House of Commons in 1827 that he had had the good fortune to persuade the House within a few years to repeal fifteen hundred restrictions and prohibitory statutes.⁶ But Denny, of Pennsylvania, introduced into the discussion certain passages from the same British statesman, which based the British system of revenue on the lowest tariff consistent with the support of government and internal industry, for the purpose of showing that the system after all was protective.⁷ McDuffie's present position was contrasted with his view in 1825 in his speech on the Cumberland Road, where he said: "The consumer does not pay the tax, but he pays it in the price of the article."⁸

The advice of Burges, of Rhode Island, to the Southern

¹ Register of Debates, p. 891.

² Concluded May 7; *ibid.*, p. 896.

³ *Ibid.*, p. 906.

⁴ *Ibid.*, p. 918.

⁵ *Ibid.*, pp. 892-896.

⁶ *Ibid.*, p. 904.

⁷ *Ibid.*, p. 913.

⁸ *Ibid.*

people that they should relieve themselves from distress by "working less and making more," was also tendered by

Burges's
advice. a number of other protection speakers.¹ He averred that the cotton planter of South Carolina

had no more connection with the commerce of the United States than had the tea planter of China.² The planter was not obliged to take any part of his cotton crop in any commodity. He also claimed that South Carolina shared with New England the bounty on fish, and that not one article of use among the slaves bore a cent of duty. The whole clothing of a slave cost less than five dollars yearly.³ On the contrary, New England labor consumed tea, coffee, sugar, and fancy goods. The labor of the North, he contended, made prosperous by the American system, paid into the Treasury a greater amount of import duty than even the South Carolina capitalists themselves.⁴ Further beneficence of the protective system as respected the South was thus pointed out: "The tariff, the tariff, I say, gives to the cotton planters of South Carolina a monopoly of the whole cotton market of the United States. This monopoly is secured to them by a duty of thirty-three per cent., by a perfect protection." The monopolist, he contended, was the South Carolina planter, lord of a thousand laborers, whose only care was to feed, to thrive, and to rail at the whole working world who do not drive slaves, and make cotton and tobacco.⁵

The ingenious but unsound argument of McDuffie, that the producer paid all of the duties, was adopted by several

McDuffie's ar-
gument that
the producer
paid all of the
duties. Southern debaters.⁶ Other prominent argu-
ments were the effect of the dissolution of the
Union upon the anti-tariff States and upon the
States then enjoying protection.⁷ McDuffie

made a subtle speech in reply to Gorham and Davis, in the course of which he charged substantially that Northern prosperity was based on Southern losses.⁸ The argument

¹ Register of Debates, p. 927.

² Ibid.

⁴ Ibid., p. 933.

⁵ Ibid., p. 934.

⁷ Ibid., pp. 943, 937, 947, among others.

² Ibid., p. 932.

⁶ Ibid., p. 943.

⁸ Ibid., p. 956.

that reduction of duties would affect seriously Northern industries was met by the observation that gentlemen should reflect that they were giving the strongest possible confirmation of the alleged desolation produced by the duties upon the prosperity of the planting States. In his second speech Mr. McDuffie modified his former argument, having observed that it went too far. He said that "the principal burden fell upon the producers," which was something different from his contention that it all fell on them. He was very effective when he showed that Burges had not counted the importations for her own use made by South Carolina by way of New York, but only those through the port of Charleston.¹ His analysis of the internal trade and of the relative consumption by the manufacturing and planting States of imported articles was favorable to the South. Replying to Gorham and Everett's position that the products of the Southern States belonged equally to other parts of the country, he said: "It results as a correlative proposition that the manufactures of the Northern States are not the productions of Northern but of Southern industry."² He assumed that if the Southern States were independent they would lay an average of twenty per cent. duties.³ The effect, he declared, would be to reduce the burdens of taxation to the South, provide the equivalent of one hundred millions capital, and desolate and ruin the States remaining in the Union.

McDuffie sees
that he has
gone too far.

McDuffie's amendment was rejected by a large majority.⁴ On the same day Buchanan's substitute for the committee's

¹ Register of Debates, p. 959.

² Ibid., p. 961.

³ This was in reply to something Martindale, of New York, had said which McDuffie construed into a disparagement of Southern importance in the Union. It is a curious coincidence of history that when in 1861 the constitution of the Confederate States was adopted there should have been a provision forbidding the levying of a higher import duty than one strictly for revenue. In the first general revenue act, accordingly, May 21, 1861, there were five classifications: five, ten, fifteen, twenty, and twenty-five per cent.

⁴ Register of Debates, p. 964.

bill was adopted without division. Amendments to it were adopted, the effect of which was that non-enumerated articles of iron and steel, or articles not charged with specific duties, should pay the same duty as was provided on bar or bolt iron in the act of 1828, and all such iron made liable to the same duty as was charged on iron in pigs. A draw-

Wool, iron, molasses, etc.

back was provided on railroad iron, the duty on which was not less than twenty-five per cent. in quantities of not less than twenty tons.¹ McDuffie's proposition to repeal the wool, iron, cotton, cotton bagging, hemp, flax, indigo, and molasses duties as increased by the act of 1828 was moved as an amendment to the substitute adopted by the committee of the whole, and was rejected by a vote of sixty-eight to one hundred and twenty.² Some excitement arose over an effort by Barringer, of North Carolina, to procure the adoption of an amendment to reduce the salt duty. It was at first carried. But the point was made by Gorham and Storrs that the decision of the House involved a reconsideration of the whole subject. Debate was resumed next day. The general result

May 13. The bill passes the House and fails in the Senate.

was that the passage of the salt amendment was reconsidered, and a modified amendment proposed by McDuffie was defeated. The vote on the third reading of the bill was ayes one hundred and fifteen, noes twenty-four. The bill passed the House on May 13 by a vote of one hundred and twenty-seven to forty-one.³ It was lost in the Senate.

The bill of 1830 contained nine sections, the third and ninth of which were intended especially to increase the protection on woollen and cotton goods and certain grades of iron. There were many safeguards provided against frauds on the revenue. One of the provisions was that whenever goods of which wool or cotton was a component part, of similar kind but different quality, were found in the same package, it should be the duty of the appraiser to adopt

¹ Register of Debates, p. 965.

² The question was divided.

³ Register of Debates, pp. 979, 987; Senate Journal, p. 645.

the value of the best article as the average value of the whole.

Other measures considered at this session have been referred to above. A number of additional motions to secure a reduction of the duty on salt were pressed, but were defeated.¹ On the 14th of May Cambreleng's navigation bill was laid on the table with the consent of himself and other low tariff advocates. The bill of the Ways and Means Committee reducing the salt duty after December 31, 1831, to ten cents was opposed by Ingersoll with an amendment to reduce the duty on molasses.² But the bill finally passed intact on the 27th of May.³

May 14.
Navigation.

May 27. Salt
duty reduced.

Memorials and counter-memorials on the reduction of the iron duties were presented in the Senate, respectively by the blacksmiths and the iron manufacturers of Philadelphia.⁴ On the 26th of February, Hayne, from the select committee which had been appointed on the subject, reported in favor of the petitions for reduction. A contest having arisen between the high and low tariff parties on the reception of a minority report, Webster's motion to table the whole question prevailed.⁵ At this session an adverse report was made on

Petitions for
the reduction
of the iron du-
ties. February
26.

¹ Register of Debates, pp. 994, 1016, and other pages.

² Reported by McDuffie on the 19th of May.

³ Register of Debates, p. 1139.

⁴ Ibid., vol. vii., pp. 41-44, 214, 313.

⁵ Ibid., p. 317. This very able report is found on page 105 of the appendix to vol. vii. of the Register of Debates (second session, Twenty-first Congress.) "In the examination which they have made of this subject," says the report, "the committee have been forcibly struck with the sound and conclusive reasons which the petitioners have adduced in support of the position that a low duty on the raw material is the only just and effectual means by which American manufactures can receive a wholesome encouragement; that the due proportion which all admit ought to be preserved between the duty on the raw material and that on the manufactured article can, in this instance, be obtained only by a reduction of the duty on the former; and that such a measure, whilst it would duly encourage the American mechanics and lessen the tax upon consumers, would not be injurious to the owners of the rich and valuable

a bill, introduced by Brown, of North Carolina, reducing the duty on sugar. Leave was refused Benton to introduce a bill to repeal the salt duty.¹ He was as zealous in this cause as his venerable friend, Mr. Macon, had ever been. The leading point in his speech on a subsequent occasion was that the amount of taxation was two millions and a quarter upon an article of prime necessity to the poor the original cost of which article was only three-quarters of a million dollars. His salt amendment to the bill reducing the duties on tea, coffee, and cocoa was rejected.²

Benton was prolific at this time of measures for the reduction of the tariff. His "bill to provide for the abolition of unnecessary duties, to relieve the people of sixteen millions of taxes and to improve the condition of agriculture, manufactures, commerce, and navigation of the United States," was professedly based on Jefferson's idea of equivalents; that is, duties were to be lowered to such nations as might by treaty reciprocate.³ "It proposes," he said, "that Congress shall select the articles for abolition of duty, and then leave it to the Executive to extend the provisions of the act to such powers as will grant us equivalent advantages." The bill included silks, worsteds, linens, wines, coffee, cocoa, Oriental fruits, nuts, drugs, and many other articles. One of the notable provisions was the repeal of the duty on alum salt and the bounty and allowance system as to fish. Upon a question whether the Senate was competent to originate such a measure, one of the sections providing for the raising of duty on certain articles, Benton, at Webster's suggestion, withdrew the bill.

iron mines of the United States, and so far from diminishing the resources of the country, that such a measure would add greatly to the comforts of the people and promote their prosperity in peace and security in war."

¹ Register of Debates, pp. 103, 120, 194; Appendix, lxxii.

² Ibid., p. 428. Benton introduced one bill, and withdrew it.

³ Ibid., vol. vi., pp. 172-179.

The House bill reducing the duties on tea, coffee, and cocoa passed the Senate May 11, 1830.¹ Tea, coffee, cocoa reduced.

The bill to exempt (in effect to refund duties on) certain articles coming under operation of the act of May, 1828, which articles had been ordered and the order for which could not be countermanded, and where the goods had been actually imported before the 1st of September in the regular course of business, was rejected in the Senate after some debate.²

On the 25th of February, 1831, Benton introduced sixteen resolutions on foreign commerce, advocating a reduction of duty on articles not produced in the United States, admitting one-half of the imports free of duty. The free list contained linens, worsted stuff goods, several descriptions of woollens, fine cottons, silks, wines, coffee, etc. The principle of equivalence entered. Foreign nations were offered beef, pork, fish, live stock, grain, tobacco, spirits made of grain or molasses, furs, lumber, naval stores, silk, wool, and other articles. At the request of their author, the resolutions were referred, with no intention that they should be acted upon at that session.³ 1831. February 25. Benton's sixteen resolutions.

Efforts were made to procure a repeal of the duties on bar iron, cotton bagging, and brown sugar.⁴

At the second session of the Twenty-second Congress the Committee on Manufactures reported a bill to repeal the act of May 29, 1830, reducing the salt tax, and an angry debate arose on the subject. Spaight, of North Carolina, said that the South was on the eve of rebellion. "Yes, sir, the day is fast approaching when the people of the South will arise in their majesty and stalk the avenues of this House and take vengeance on their oppressors. Yes, sir, I fear this House, under which

Twenty-second Congress, second session.

¹ Register of Debates, p. 432.

² *Ibid.*, p. 452.

³ *Ibid.*, pp. 285, 312.

⁴ *Ibid.*, pp. 355, 359, 456, 465, 486, 543, 809, 828.

they claim the right to tax us, will be made to reel to and fro like a drunken man.”¹ Tucker, of South Carolina, expressed regret that the gentleman had made these
 Angry debate over the salt duty. remarks. He said that it was his own wish to put down excitement. But Thompson, of Georgia, averred that the people of the South, if the bill was passed, would be driven to the necessity of resistance. The bill was tabled after its second reading.²

A report written by Polk, chairman of the select committee of the House on the subject appointed to consider that
 The surplus revenue. portion of the President’s message, presented a summary of the question of distributing the surplus revenue. A debate followed on the motion to print the report. The resolution was agreed to finally.³

From the statement of the Secretary of the Treasury, made at the first session of the Twenty-second Congress, it
 Statement of the Secretary of the Treasury. appears that in the year the accruing duties were \$29,951,915; the drawbacks payable, \$4,001,665. By comparison with other recent years the following facts were seen: In 1829 the accruing duties were \$27,689,731; the drawbacks payable, \$4,213,168. In 1830 the accruing duties were \$28,299,159; the drawbacks payable, \$4,511,182.⁴ The subject of the tariff was precipitated by resolutions offered by Bouldin, of Virginia, and Dearborn, of Massachusetts, the
 Tariff propositions. latter’s providing for the exemption from duties on wood, teas, coffee, wines, pepper, spices, and indigo, not exceeding in market price in the United States twelve cents a pound. This was withdrawn.⁵ Bouldin’s resolution provided for an inquiry by the Commerce Committee into the practical effect of the revenue laws, whether they were prohibitory or not, with specific information. The debate on the reference of this proposition was quite extended,

¹ Register of Debates, p. 572.

² Ibid., p. 616. The vote was one hundred and forty-five to forty-one.

³ Ibid., vol. vii., p. 620.

⁴ Ibid., p. 1440.

⁵ Ibid., pp. 1442, 1446.

and embraced the whole question of minimum duties.¹ It began on the 13th and concluded on the 24th of January. During this discussion, which was deprecated by McDuffie as premature, Appleton, of Massachusetts, claimed to know from an intimate friend who had passed a great part of the session of 1816 in the Congress what influenced South Carolina to lead in the establishment of that tariff, and especially to propose minimum duties. South Carolina was assured, he said, that under the protection of this minimum, imposing a specific duty of six and one-fourth cents the square yard on the inferior cottons, the American cotton might be successfully manufactured in this country, and thus made to supersede the cottons then in use, the product both of foreign manufacture and foreign soil. In supporting this measure, therefore, continued the Massachusetts member, whatever other motives may have influenced her, South Carolina was following the dictates of an enlightened self-interest,—nay, more, of an enlightened and enlarged patriotism.² McDuffie replied by saying that he was glad that the gentleman had made it his duty, as it was clearly in his (McDuffie's) power, to vindicate the Representatives of South Carolina from unjust and ungenerous aspersions that had been brought against them elsewhere. He then recapitulated the provisions of the tariff of 1816: that it provided for a diminution of duties from twenty-seven and thirty-three per cent. to twenty-five, which, after a certain period, was to be reduced to twenty. South Carolina had no such interested sagacity as the gentleman from Massachusetts had given her credit for. Look into the records of the proceedings, he continued, and see if a word was uttered in favor of that act on the ground assumed by the gentleman.³ Wilde, of Georgia, declared that he, too, was in the House at the time referred to. There was no member whose opinions received so much respect and attention as those of

¹ Register of Debates, pp. 1546, 1549, 1558, 1568, 1595, 1599, 1625.

² *Ibid.*, p. 1602.

³ *Ibid.*, p. 1607.

William Lowndes. That man was no friend to high duties. He voted in favor of a proposition made by his colleague to reduce to twenty per cent., and the Southern vote was the same way. The minimum, Wilde explained, was intended to affect the coarse cottons of India, with a view to prevent the exportation of specie.¹ The resolution, as amended by Davis, was adopted. In its final form it provided for an enquiry and report by the Committee on Manufactures into the effect of the revenue laws, designating the manner in which the sum upon which the duties were made up was assessed, and also the per cent. upon goods subject to the square yard duty, and whether any goods were prohibited by the amount of duties; also, as to whether there were frauds, and, if so, how they were to be prevented; also, whether the statute value of the pound sterling ought to be so modified as to conform to the value in the United States.²

Drayton, on the 23d of January, presented the anti-nullification memorial from South Carolina, protesting against the laws of the United States imposing high duties on foreign merchandise for the protection of manufactures. It was set forth that the evils under which South Carolina was suffering were obvious and alarming; that if other causes conspired to reduce the income of her citizens, it was the tariff alone which denied them the right of converting that reduced income into such an amount of the necessities or conveniences of life as would certainly be at their command under the revenue system of moderate duties; that those difficulties, though great, might be tolerated if the burden was equal, but they were greatly exaggerated by the consideration that the benefits of the tariff were confined to the manufacturing States, and that South Carolina felt the weight of the protecting system but received no part of the compensation. The memorial disclaimed altogether the language of violence and intimidation, but the Union party insisted that it was

The anti-nullification memorial.

¹ Register of Debates, p. 1609.

² Ibid., p. 1625.

the duty of the government to abstain from such legislation as was not in accordance with the spirit and opinions of the people.¹ A short sectional debate occurred on Drayton's motion to refer the memorial to the Ways and Means Committee, to which some of the friends of protection objected. Finally it was so referred.² The journeymen tailors of Philadelphia presented on the same day, through Drayton, a petition praying a reduction of the tariff twenty-five per cent.³

On February 8, McDuffie, from the Committee on Ways and Means, reported a bill to reduce and equalize the duties on imports. In the brief debate on that day various members of the committee expressed their dissent from the report.⁴ Ingersoll and Gilmore agreed in the matter of the protective policy in opposing the report, and Verplanck did not concur in that part which represented that the burdens of the tariff were borne altogether by the cotton and planting States. He thought that a heavy weight was laid on the free laborer of the North, as well as upon commercial enterprise.⁵ Nothing more occurred on the subject in the House until the 23d of May, when John Quincy Adams presented a report and bill from the Committee on Manufactures. The bill was based, with important departures, on the bill and report of the Secretary of the Treasury, which had been referred to the committee. There was only a general concurrence of the committee in the bill.⁶

February 8.
McDuffie re-
ports a tariff
bill.

May 23.
J. Q. Adams's
report.

The general debate on the former measure opened on the 28th of May by an extended argument in its favor by its author. As a whole, it was a stronger and more lucid exposition of his favorite theory of the working of the tariff than his speech in the last Congress. The proposed reduction on leading articles, he ex-

May 28.
General debate.

¹ Register of Debates, p. 1619.

² Ibid., p. 1624. Denny proposed the Committee on Manufactures, but was induced by Burges and Everett to withdraw his motion.

³ Ibid., p. 1625.

⁴ Ibid., p. 1768.

⁵ Ibid., p. 1764.

⁶ Ibid., p. 3090.

plained, was from the 30th of June, 1832, to twenty-five per cent. *ad valorem*; to the 30th of June, 1833, to eighteen and three-fourths per centum, and to June 30, 1834, to twelve and one-half per centum, and was treated as a gradual reduction sufficient to produce revenue for all necessary expenses, and as an act of justice to the Southern States.¹ He estimated the ordinary and permanent expenses at eight million dollars, and the income under the proposed tariff at twelve million dollars, leaving a surplus for pensions and contingencies of four million dollars. McDuffie, one of the most original and eloquent of the Southern leaders, turned the argument from its usual course, and asserted that the bill was a "generous and liberal overture" by the South to the over-protected North. He denied that injustice would be inflicted upon the manufacturers of the country, but admitted that they would "sustain damage without injury." On the apprehended invasion of the United States by foreign manufactures, he held that they could never come and be brought into competition with domestic manufactures until they had ceased to be the productions of foreign and had become the productions of American industry.² The controversy, then, he argued, resolved itself into a competition between the Southern planters and the Northern manufacturers for supplying the market of the United States with certain descriptions of manufactures.³

Mr. McDuffie restated, with further modification, his old view that the producer of exports paid the duty. "The truth is," he said, "that when a small portion only of a certain description of commodities is set apart for taxation, and a discriminating duty is levied upon that portion, it follows of necessity that the greater part of the burden imposed upon these

McDuffie modifies his theory about the producer paying the duty.

¹ Register of Debates, pp. 3120-3170.

² Ibid., p. 3126. This was the leading prop in the arch that supported his bridge.

³ Ibid., p. 3132. He contended that the protecting duties inflicted greater injury on Southern planters than they conferred benefits on Northern manufacturers.

selected and proscribed articles must fall upon their producers." But he admitted that "the precise proportion which the consumers and producers respectively bear of the burdens imposed must be in some degree conjectural."¹

Impressed by a sense of the necessity for union and harmony, Crawford yet felt that the prosperity of the nation was intimately connected with an adherence to the existing policy of protection.² In reply to McDuffie, Appleton contended that the impost duty was Appleton. incorporated into the price of the commodity imported, and the payment of a tax depended on the fact of a purchase. In the purely financial and practical argument near the close of the speech he seems to have had some advantage of McDuffie. But in his final statement he asserted without proof that the value of any part of the productions of the planting States was not diminished by the tariff; on the contrary, cotton culture had been increased palpably by the establishment of cotton manufactures in the country.³ He said that it was remarkable that the opposition to the tariff was in proportion to the number of slaves, and greatest in South Carolina. The facts as they appeared suggested the enquiry, he thought, whether this cheap slave labor did not paralyze the industry of the whites. He declared that he had made all possible investigation, and he had found that the picture of distress by the gentleman from South Carolina was not confirmed; rice planters were never more prosperous, and cotton planters were said to be in no distress.⁴

Bouldin remarked that the convention which framed the Constitution had expressly withheld from Congress the right to protect manufactures, which was, therefore, Bouldin's reserved to the States.⁵ He denied that the view. complaint in the South came only from the rich planters;

¹ Register of Debates, p. 3141.

² Ibid., p. 3172.

³ Ibid., p. 3203.

⁴ Ibid., p. 3205.

⁵ Ibid., p. 3212.

he himself represented in a peculiar manner the small free-holders. On June 1, the committee of the whole took up the bill from the Committee on Manufactures, after having voted to strike out all after the enacting words of the McDuffie bill.¹ The debate proceeded. Drayton observed that opposite sentiments on the tariff had not grown out of party dissensions; differences had become geographical. The protective system generated the bitterest animosities, and he therefore urged upon the House the adoption of a middle ground.² He dwelt upon the real evils of protection, but controverted the the right of a minority to arrest the execution of laws.

Stewart, of Pennsylvania, saying that the bill from the Treasury would operate to increase taxation by increasing revenue, offered a substitute. He drew an ironical picture of the distress that would ensue if the bill was not passed. The alternative, he said, was to go hat in hand to some Southern nabob with his thousand slaves and his six hundred votes and beg leave to hoe corn at six pence a day among his negroes.³ "If these are South Carolina's terms of compromise, I say, for one, let her go." He added: "The Union would remain unbroken, although for a season rebellion reared its bloody standard."⁴ He thought, however, that she would not incur the perils of civil war. A great part of his argument was directed to maintaining the assertion that the South was trying to break up Northern industry, although protection was the policy which benefited all alike.⁵ The Stewart bill was essentially the same as that offered by Dickerson in the Senate. The chief features were ten per cent. reduction for two years, negro clothing free of duty, and reduction of duties on unprotected articles.⁶ As the debate proceeded, the arguments were repeated, the history of tariff legislation was restated, and sectional feeling engendered at the same

June 1.

The McDuffie bill destroyed.

A substitute bill. Stewart is sarcastic.

¹ Register of Debates, p. 3242.

³ Ibid., p. 3270.

⁶ Ibid., p. 3290.

⁴ Ibid., p. 3271.

² Ibid., p. 3263.

⁵ Ibid., p. 3276.

time and by the same speakers by whom it was deplored. Davis, of Massachusetts, cited the messages of the Governors of South Carolina, Georgia, and Alabama, and the figures of the census, to prove that the people of the cotton States were not suffering. The actual annual increase in the production of raw cotton in the United States since 1816 was two hundred and eighty-seven million pounds. The price had ranged between nine and fifteen cents; omitting 1825, the average price, he stated, was eleven and three-fourths cents. "Down with the duties on cloth," says the planter; and yet cloth which in 1816 had sold for fifteen cents was heavy in the market at eight and three-fourths in 1830.¹ He spoke of the "insatiate avarice of the greedy planters," and of "the lofty, manly spirit of independence which swelled the bosom of the free, enlightened laborer." The old argument that because the slaves were represented in Congress under the Constitution their masters should not complain, was used by the most intelligent of the protectionists. It was also again declared that the South was trying to monopolize the markets, and that this was the true question between the opposing sides.² Mitchell, of South Carolina, replied, with great calmness and some force and dignity, to the speeches of Stewart and Davis.³ He showed that while all seemed anxious for an adjustment of the tariff, each individual was opposed to sacrificing any of his own interests. The demonstration was clear that the bill of Stewart's in one section stipulated reduction, while in another it artfully increased the price of the article to the consumer.⁴ Mr. Adams's bill also had his unqualified disapprobation, because it proposed to raise a revenue beyond the expenditures of government. He argued further that there was evidence of a popular demand for reduction found in the action of the New York protection convention and

The complaining Southerners told that they are not suffering.

Mitchell.

¹ Register of Debates, p. 3308.

³ Ibid., pp. 3326-3340.

² Ibid., pp. 3312-3316.

⁴ Ibid., p. 3328.

the introduction in the Senate of Mr. Clay's bill.¹ He declared that manufactures had flourished most in the periods when there was the smallest protection. He cited figures in proof for the twenty years before and the twenty years succeeding 1810; the former a revenue and the latter a protective era.² Mitchell's method was less sectional, and, there-

Bell.

fore, more effective than McDuffie's. Bell, of

Tennessee, made a philosophical and practical argument, deploring party divisions on sectional lines. Both parties were friendly to the Union on their own terms. The majority had less excuse than the minority in refusing to make a compromise. The first great care of an American statesman was to preserve our free institutions; the next was so to administer their offices as to secure the comfort and happiness of the greatest possible number of the citizens of the country.³ The true American policy was the discouragement of the accumulation of great wealth in the hands of individuals.⁴ These considerations led him to oppose the protective policy. He said that it was a disastrous day when the great popular leaders of the House of Representatives gave way to the delusion that there was compensation for low prices in increased production, and established the system of governmental regulation.⁵ The complaint was imaginary; if the prices of our productions were low, the prices of articles from abroad received in exchange were also much reduced. The tariff only brought prosperity to the protected interests and the interests immediately surrounding. From his own observation, Kentucky was one of the States suffering most under its operation.⁶

Some of the friends of a protective policy admitted that there had been extensive losses in the South, produced by a

Concessions.

fall in prices.⁷ One of the ablest speakers on that side was Evans, of Maine, who addressed himself largely to the arguments of Bell and McDuffie.

¹ Register of Debates, p. 3333.

² Ibid., p. 3338.

³ Ibid., p. 3354.

⁴ Ibid., p. 3356.

⁵ Ibid., p. 3367.

⁶ Ibid., p. 3375.

⁷ Ibid., p. 3398.

The leading point in his contention was, that anything less than complete protection was illusory, and he therefore opposed all compromise propositions.¹ It was not a question of giving protection, but of withholding protection—of subverting interests.

Clay, of Alabama, contended that this was not a question of South Carolina against the manufacturing States, with the Southern and Southwestern States standing off as indifferent spectators: from the Potomac to the mouth of the Mississippi, all agreed as to the great and unequal burden of taxation.² Nor did the Southern speakers forget to adduce the old argument that the tariff was unconstitutional.³ They quoted Webster on the embargo act to sustain their position that the

The old argument of unconstitutionality.

regulation of commerce did not mean its destruction.⁴ One of the most interesting and well furnished of their debaters was Wilde, who said: "If one kind of industry alone is protected, it must be at the expense of all the rest. If all are protected alike, none are benefited. You

Wilde.

merely enable me to put my hand into my neighbor's pocket, and take out as much as you have previously authorized him to take out of mine."⁵ His brilliant picture-gallery of the worthies of the Fourteenth Congress who passed the tariff of 1816, and his defence of their action, is among the finest efforts of oratory made on the occasion, although perhaps too fervid and overloaded with flowers.⁶ Choate commended to the minority

Choate.

"the moral duty of acquiescence." In reply to Bell, this eloquent son of Massachusetts said that civil government was instituted mainly for the care of property. "You," alluding to the Congress, "invited this property into this investment."⁷

Northern speakers predicted the Deluge if the bill of the

¹ Register of Debates, p. 3422.

² Ibid., p. 3457.

³ Ibid., pp. 3459, 3530.

⁴ Ibid., p. 3461.

⁵ Ibid., p. 3477.

⁶ Choate, on the following day, said that the praise was bestowed with much candor and discrimination. Ibid., 3514.

⁷ Ibid., p. 3516.

Ways and Means Committee were adopted, and argued that Massachusetts would have as much right to secede if it were passed as South Carolina would in the event the protective system were continued.¹ Choate's remedy for the excitement at the South was: "Find what are the articles of exclusive Southern consumption and important in the economy of the South, and relieve them of all protecting duty."² The same orator also said, as if he were not so hopeful of his plan being made effectual, "There seems to be, I have feared, ground laid for a separation of the States, not so much in the faults of man as in the nature of things."³ A remarkable expression—apparently justifying as destiny what he deplored and sought by every ingenuity to thwart. Clayton, of Georgia, said he was a stockholder in a manufacturing company, and that he was of opinion that manufactures could be more profitably conducted at the South than they could be at the North.⁴ He made an impassioned denial of the charge that the South was disloyal. But he added: "Do not deprive us of all our blessings under the empty sound of Union."⁵

The protection argument that the tariff was derived from the South was advanced further by Sutherland, of Pennsylvania, who assigned its origin to Virginia, in Jefferson's administration. He said, notwithstanding repeated disclaimers of Southern men, that they desired the duty on cotton to remain, that if the duty were taken off, Pernambuco cotton would be furnished to Northern manufacturers on advantageous terms.⁶ Lewis, of Alabama, replied that the South did not call for the repeal of the cotton tax because it was a dead letter. Imposed for revenue, it had served no purpose but to be cast into the teeth of Southern members as an instance of protection to Southern industry.⁷ He asked: "If the gentle-

The cotton tax
claimed to be a
dead letter.

¹ Register of Debates, p. 3520 (Choate).

² Ibid., p. 3524.

³ Ibid., p. 3525.

⁴ Ibid., p. 3554.

⁵ Ibid., p. 3567.

⁶ Ibid., p. 3563.

⁷ Ibid., p. 3584. The debates bear out this assertion.

man is in favor of giving protection to all branches of national industry, why does he not give the South a substantial, not a nominal, bounty on her cotton, rice, and tobacco?" He declared that the South would not be satisfied with less than the practical abandonment of the principle of protection.¹ Twelve and one-half per cent. protection at the expense of the South was more than any Southern planter realized from his capital.

The Southern protectionist took part in the debates. He was for moderation. Bullard, of Louisiana, stated that cotton planting in his section was more pro-
The Southern protectionist.
 ductive than sugar. The superior productive-
 ness of the Southwest had contributed to depress the southern Atlantic States. He thought that the diminished prosperity of the South was not attributable entirely to the tariff. He said that there would be no response to the cry of disunion from the State of Louisiana.² Carson, of North Carolina, retorted with warmth that Louisiana enjoyed a benefit of two millions from the tariff. President Jackson had saved her from disunion.³ Burges, of Rhode Island, averred that the Southern, or anti-protection, States, paid about one-fortieth part of the tax raised by impost, considering that they consumed all that they imported.⁴ His argument was based on the fundamental assumption that all of the Southern products which passed through the hands of Northern merchants to Europe were Northern importations. He declared that the reduction of the tariff would ruin the small manufacturers.⁵

Consideration of the measure continued in the committee of the whole from the 18th to the 21st of June. A number of proposed amendments were rejected. Horace
June 18-21.
 Everett insisted upon protection for the wool-grower as the first object.⁶ Among the prominent protec-

¹ Register of Debates, p. 3585.

² Ibid., p. 3597.

³ Thomas, of Louisiana, denied this charge, and his statement was accepted by Carson. It related to the proceedings of the Legislature in 1814. Ibid., p. 3563.

⁴ Ibid., p. 3621.

⁵ Ibid., p. 3647.

⁶ Ibid., p. 3671.

tionist arguments were those of Adams, Stewart, Dearborn, and Davis. On the other side, Cambreleng was supported by Hoffman and Root, also of New York, incidental protectionists. Adams and Archer came into personal collision, and an angry colloquy occurred between Carson and Sutherland.¹ Louisiana Representatives tried in vain to save sugar from reduction.² The bill was reported from the committee of the whole on the 21st of June, with amendments.

In the House, various points were raised by Edward Everett. "It seems to me," he remarked, "that this question of constitutionality, even on the nullifying principle, requires that the majority of the States should agree to nullify." McDuffie had spoken of the tyranny of a majority. Everett put what he called a harder question: "Suppose the minority is unreasonable, and denies the right of the majority, shall they prevent their exercising them?"³ His argument on nullification was very ingenious. He drew a picture of disasters and horrors which would follow the secession of a single State. There would be civil discord, eternal border warfare, foreign wars and alliances. The State which seceded would bid farewell to republican government for herself and more likely for her sister States. "It is my firm conviction," he averred, "that the day which takes any State from this Union gives it to the British crown." He made an impassioned, beautiful appeal for the Union, and in an address to McDuffie implored South Carolina "not to leave us."⁴

A controversy arose, as in 1828, between the woollen manufacturing and the wool-producing interests. Amendments were offered by Davis and Adams, and were lost.⁵ An amendment providing a drawback on iron used in domestic industry was rejected by an overwhelming majority, some of the Southern

Great heat of the debate.
The bill of 1832 reported to the House from the committee of the whole.

A beautiful appeal for the Union.

The wool interests again clash.

¹ Register of Debates, p. 3690.

³ Ibid., p. 3765.

⁴ Ibid., p. 3770.

² Ibid., p. 3691.

⁵ Ibid., pp. 3778, 3780.

low tariff men voting in the negative. Finally, on the 27th of June, the bill was ordered to its third reading by a vote of one hundred and twenty-two to sixty-five. Among the yeas were Cambreleng, Mitchell of South Carolina, Polk, and other low tariff men; and among the nays were Choate, the Everetts, Condict, Davis, and other protectionists, voting with McDuffie and the great body of the revenue reformers.

June 27.

McDuffie concluded the debate on the 28th of June with a speech of great power.¹ He said that his bill had been put aside unceremoniously, and he analyzed the pending measure at considerable length and with rigorous logic. He showed that the reduction, under the original bill, according to the estimate of the Secretary of the Treasury, would have been four million one hundred and seventy-seven thousand dollars, without an increase of importations. The alterations made would increase the amount of reduction to four million six hundred and twenty-four thousand dollars. The reduction on the entire list of imports received in exchange for Southern exports was only eight hundred and forty-four thousand dollars. But these reductions were much more than counterbalanced by other provisions of the bill relative to cash duties and diminished credits on these protected articles. Assuming that such imports amounted to twenty-five millions, we had, he said, one million two hundred and fifty thousand dollars as the increase of the burdens of the protecting duties to be placed in contrast with a nominal reduction of four hundred and seventeen thousand dollars; it resulted, therefore, that there was an increase of burden to the South of one million four hundred and six thousand dollars. The inequality, he contended, was greatly increased by the injustice exaggerated by the other provisions of the bill. The foreign exchanges of the North were relieved to the extent of three million seven hundred and eighty thousand dollars. He remarked with what keen

June 28.
McDuffie closes
the debate.

¹ Register of Debates, pp. 3809-3830.

sagacity the gentlemen of the North could perceive the benefits of free trade when the products of their own industry constituted the basis of it.¹ On the other hand, he observed: "I will venture to affirm, sir, not only that the peculiar burdens of the South are undiminished by this bill, but that the protection which it gives to all the various classes of manufactures is decidedly greater than that which they received under the tariff of 1828. Can any one be so blind as not to see that the reduction, or, more properly, the repeal, of the duties on tea, coffee, dye-stuffs, manufacturing materials, and on most of the unprotected articles, will operate as an additional protection to the Northern manufactures? There are two modes of giving this protection to the manufacturing States: the one consists in imposing duties upon such articles as they make themselves; the other in taking off or diminishing duties on such articles as they consume and do not make at home, but import from abroad and exchange for some of their own domestic productions." He thus replied to Everett's argument that if the cotton planter was the producer of the manufactures obtained for his cotton, he could only be so in the sense in which it might be said that the consumer of those manufactures was the producer of them: "The cotton planters produce imported manufactures by an exchange abroad, and upon this exchange the protecting duty is levied; whereas, all other consumers produce these manufactures by a domestic exchange upon which no duty is levied."² He said that his argument that protection diminished the value of American cotton had been misrepresented. That argument referred exclusively to the value of the article here. He called attention to the fact that Davis, of Massachusetts, and those with whom he acted, often maintained that the protecting duties had the effect of diminishing the prices of protected articles in the United States. To avoid the obvious inference that this would throw the whole burden of the duty upon the American producers of imported manu-

¹ Register of Debates, p. 3813.

² *Ibid.*, p. 3817.

factures, the planters, they alleged, he said, that the burden of the duty was thrown upon the foreign producers, the manufacturers abroad. McDuffie argued that this could only be done by a general reduction of price throughout the world. Our duty, fifty per cent., on eight millions of English cotton manufactures imported into this country out of her total product of one hundred and sixty millions, could not have the effect stated on prices.¹

The bill of the Committee on Manufactures, as amended, passed the House on the same day by the vote of one hundred and thirty-two yeas to sixty-five nays.² Certain protected interests, not satisfied with the amount of protection extended by the measure, voted with the straight-out foes of protection. On the other hand, a number of well-known low tariff members supported the bill because its professed object was reduction. Among the ayes were Archer, Bell, Cambreleng, Drayton, Polk, and Wayne, anti-protectionists; and among the noes, Bates, Burges, Choate, Condict, Davis of Massachusetts, Denny, the Everetts, Stewart, Storrs, and Watmough, protectionists.

The subject of the tariff came up in the Senate on Smith's resolution, offered December 13, to the effect that the Secretary of the Treasury be directed to furnish the Senate with his *projet* of a bill reducing duties in conformity with suggestions in his annual report.³ Tyler was chiefly instrumental in securing a favorable report upon it from the Finance Committee. In his explanation he said that a great crisis had arrived. On the 17th of the same month Poindexter introduced a resolution authorizing the Secretary of the Treasury to report, with as little delay as possible, a detailed statement of the articles of foreign growth or manufacture on which, in his opinion, the existing rate of duties ought to be reduced, specifying the amount of reduction on each article separately, so as to produce the result of an aggregate reduction of the revenue

Passage of the bill.

December 13.
In the Senate.

¹ Register of Debates, p. 3819.

² Ibid., p. 3831.

³ Ibid., ix., Part 1., pp. 6, 10.

of six millions of dollars on such manufactures as are classed as protective. The resolution also provided for a list of articles essential to our national independence in time of war, to be exempt from the proposed reduction.¹ After debate,

December 24. the Senate decided, by a vote of twenty to fifteen, that it would consider the resolution.²

One of the notable speeches of the day was that of Mangum, of North Carolina, who spoke indignantly of "the oppres-

Mangum. sions which by party and unprincipled combinations had been practised upon their brethren of the South." He opposed, as did Poindexter, calling on the Executive or any head of department for a bill embrac-

Smith, and ing such momentous interests. The opposite others. view was advocated by Smith, who contended that the object was to secure facts, not opinions. The debate continued on the 3d and 4th of January. Holmes re-

January 3, 4. plied to Mangum, who, he said, had sounded an alarm. He argued that a principle should not be surrendered under a threat of a dissolution of the Union.³

"Supposing," he illustrated, "New York, our buxom sister, to take it into her head to set herself down upon her sovereignty; sir, strong as she is, I would get a rod and whip her up, tell her to leave off crying, and promise never to do so again. Then I would enquire into the grounds of her complaints, and do her justice." There were several cases in which the North might apply the Southern doctrine inconveniently for the South: one as to the public lands; another as to the rendition of fugitive slaves. He forewarned gentlemen that this doctrine of "reserved right" when applied to the relation of master and slave might produce a state of things too terrific for description. The slaves in the South would soon learn to turn the principles of nullification to suit themselves. He explained that this expression was intended to mean after a dissolution of the Union, when "the free States would repose upon

A homely illustration.

¹ Register of Debates, p. 8.

² *Ibid.*, p. 16.

³ *Ibid.*, p. 55.

their sovereignty. They would not interpose if they could, and they could not if they would.”¹ He contradicted Mangum’s assertion that there was an unprincipled combination against the South, and asserted that the South would always, as in the past, rule the North. Several amendments were rejected, and after a verbal alteration to make the resolution express what the Secretary actually said, it was laid on the table.²

The bill of 1832 passed the Senate on the 12th of July, by a vote of ayes thirty-two, noes sixteen, and was approved by the President on the 14th of the same month.³

Final passage,
July 12.

¹ Register of Debates, p. 58.

² Consideration of these resolutions was defeated on the 11th of January. Ibid., p. 60.

³ Ibid., p. 1293.

CHAPTER V.

NULLIFICATION AND THE COMPROMISE OF 1833.

MEANTIME, events were hurrying forward in South Carolina. In his message to the Legislature, Governor Hamilton rejected the tariff of 1832 as a compromise. He declared that it levied three-fourths of the federal revenue on the industry of the Southern States, and that the right to pass a tariff for protection was not to be found in the Constitution of the United States. "After ten years of suffering and remonstrance," he continued, "we have at length arrived at least at the end of our hopes." He recommended the calling of a convention in obedience to public sentiment, and that all other matters be abstained from. The ratification by the Legislature of the Convention bill was followed by great rejoicing. Artillery was fired; brass bands played (by mistake) "Yankee Doodle," followed quickly by "Wha'll be king but Charlie?"¹ But in the address of the Union members, they said of the bill that it was a measure which they esteemed to be destructive of the Constitution and ruinous to the people. They argued that the decision of cases under the revenue laws was confided expressly to the Supreme Court of the United States by the Constitution. The committee of the Union party announced that opposition to the progress of nullification was hopeless, and they offered the counsel that no ticket should be run, regarding it as unimportant whether or not there was a full representation of the party's strength in the convention.²

The tariff of 1832 not received in South Carolina as a compromise measure.

Rejoicing over the Convention bill.

¹ *Niles's Register*, last half of 1832, pp. 173-175.

² *Ibid.*, November 10, 1832, p. 175.

There was no opposition in Charleston to Hayne and the other nullification candidates. The nullifiers without difficulty carried the State convention. The convention assembled at Columbia on the 19th of November, ex-Governor Miller in the chair. Governor Hamilton was chosen permanent president of the body. In his opening address Hamilton said: "It is scarcely a solecism to say that here are the people. This is the concentration of their sovereignty. . . . We have the incontestable power of a sovereign State." He also averred that his prayer was for the establishment by the deliberations of that body of the rights and privileges of their own people, and with those to give stability to the Union. On the succeeding day a committee of twenty-one, of which Judge Colcock was chairman, and Hayne, McDuffie, Harper, Miller, Pinckney, Barnwell, and several other distinguished men were members, was appointed to consider the acts of Congress regarded as revolutionary, and to propose a mode of redress.¹ This committee, through Hayne, reported on the 24th of November an "ordinance to provide for arresting the operation of certain acts of the Congress of the United States purporting to be laws laying duties and imposts on the importation of foreign commodities." There were six paragraphs. The first was a preamble stating grievances—the passage of "various acts . . . intended for the protection of domestic manufactures." The second was as follows: "We, therefore, the people of the State of South Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the several acts and parts of acts of the Congress of the United States purporting," etc.,² "are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null, void, and no law, nor binding upon this State, its officers or citizens." "All promises,

The nullifiers carry the State convention. Its proceedings. November 19.

November 24. The Ordinance of Nullification.

¹ *Niles*, p. 219.

² The acts of 1828 and 1832 are cited. Official Proceedings, p. 47.

contracts, and obligations made or entered into," are declared to be "utterly null and void." The third proposition sets forth the unlawfulness of enforcing payment of duties by the State or United States authorities, and asserts that it is the duty of the Legislature "to adopt such means and pass such acts as may be necessary to give full effect to this Ordinance and to prevent the enforcement and arrest the operation of the said acts (of the Congress) within the limits of this State from and after the 1st day of February next." The fourth paragraph was to prevent appeals to the United States Supreme Court; the fifth, to provide an oath to obey the Ordinance, to be taken by officers under the State government. The final declaration was a threat of secession by the State if any measure of coercion should be adopted by the federal government.

The convention was orderly and dignified. It distributed among the great leaders of the movement the labors and accorded the prominence appropriate for each. To Harper was assigned the preparation of the Ordinance, to McDuffie the address to the people of the United States, to Turnbull that to the people of the State, and to Hayne the general exposition of principles. The States in McDuffie's address are named separately,—as, "To the people of Massachusetts," etc.¹ In these papers the whole question of variance between South Carolina and the federal government is discussed elaborately. It was declared in one of them that in the event of South Carolina "being driven out of the Union," all of the planting and some of the Western States "would follow by almost absolute necessity."² Hayne's exposition was full on the subject of the tariff, and defined clearly the difference between an incidentally protecting and a protective tariff. It dwelt upon the sectional character of the latter. A power to regulate commerce, it was declared, did not confer a power to regulate manufactures and agriculture. As early as 1820

The conven-
tion. Its lead-
ers.

¹ *Niles*, p. 231; Official Proceedings, pp. 54, 68.

² *Ibid.*, p. 234.

South Carolina had protested in memorials and petitions to the Congress. Georgia, Virginia, North Carolina, Mississippi, and Alabama had earnestly remonstrated and warned.¹ The convention adjourned to meet on the call of the president, or, in the case of his death, of a committee appointed for the purpose.²

The theory of nullification as it was now put in practice in South Carolina was to be judged and condemned both by those who held and those who reprobated State rights doctrines. Governor Lumpkin, of Georgia, in his winter's message to the Legislature of that State, recalled its conflict with what he called "federal usurpation," but remarked: "Nothing has transpired to lessen attachment or diminish our confidence in the good system of government under which we live." He said further: "I believe nullification to be unsound, dangerous, and delusive in practice as well as theory."³ Governor Stokes, of North Carolina, rejoiced in his annual message that the people of that State had "wisely avoided any interference calculated to disturb tranquility." "It is hoped," he continued, "that we shall cling to the union of the States as now connected."⁴ In Alabama, where there were more adherents to the doctrine of nullification than in any other State except South Carolina, Governor Gayle spoke of nullification as "this deplorable experiment . . . growing into an evil not less to be deprecated than the tariff itself."⁵ The Senate of Tennessee, only one member not voting, denounced nullification as a heresy, but endorsed the Virginia resolutions of 1798 and the commentary thereon of Madison. Indeed, in the States of Tennessee and Kentucky the doctrine received no countenance, and in Virginia, North Carolina, Mississippi, and Louisiana it was generally opposed.⁶ By a vote of one hundred and two

Popular judgment on the action of South Carolina.

1. In the South.

¹ *Niles*, p. 237.

² Official Proceedings, pp. 79, 81. After prayers. The 31st of January was appointed to be a day of fasting, humiliation, and prayer.

³ *Niles*, vol. xliii., pp. 206-208.

⁴ *Ibid.*, p. 219.

⁵ *Ibid.*, p. 220.

⁶ *Ibid.*, December 1, p. 209.

to fifty-one the House of Representatives of the Georgia Legislature adopted a resolution, which subsequently passed the Senate, declaring that nullification was abhorred, and that it was deemed a paramount duty to warn their fellow-citizens against adopting the mischievous policy of South Carolina.¹ In the same State an anti-tariff convention was held, at which the division of sentiment was so sharp that fifty-three of the more moderate members, headed by Forsyth, seceded. The residue, sixty-eight in number, adopted resolutions for a general Southern convention, but postponed the adoption of any more definite plan.² A committee of the Union party of South Carolina was present.

In the North there was no sympathy with any demonstration against the Union, for the whole situation of affairs, economical and political, had changed. But
 2. In the North. there was in some quarters a spirit of hostility to the tariff only less violent than in the States of the South which refused to embrace South Carolina's proffered remedy. Union meetings were held in Boston and New York. Webster and Harrison Gray Otis were among the speakers at the former place. The Tammany Society of New York also, while expressing sympathy with their "Southern brethren," applauded the course of the President.³ At a somewhat earlier day Webster had spoken at Worcester, Massachusetts, accepting nullification as a dismemberment of the Union, but denouncing the military language of the President's friends. These indiscreet politicians had talked of using an armed force before the power of the civil authority had been exerted, and against this Webster protested with all of his eloquence.⁴ But the protectionist press had from the early development of the policy of nullification referred

¹ *Niles*, pp. 251, 287.

² *Ibid.*, p. 221. Forsyth's party withdrew, because, as they alleged, the convention refused adequate scrutiny into its authority. In an address which they issued the seceders claimed that twenty counties were unrepresented. Berrien, of the part of the body which remained, reprobated the nullification doctrine.

³ *Ibid.*, pp. 293-295.

⁴ *Ibid.*, November 17, p. 186. The speech was delivered on October 12.

to it as "a course of evil and dishonor."¹ Substantially protectionist, the North could not only not approve resistance to the government under the circumstances, but must of necessity support the policy which had produced the Southern opposition to the conduct of the government.

Meantime, some statesmen of the old State rights school broached the theory of a general convention to alter the Federal Constitution. To a local committee who waited upon him to ascertain his views, ex-Secretary Crawford said that he favored this policy. His idea was to ascertain what the

Old school
State rights
men propose a
constitutional
convention.

strength of the respective tariff and anti-tariff elements was: then, he averred, if the former refused to modify the tariff, we, meaning the Southern States, would see the necessity for taking ultimate measures. He remarked further, with the caution of the experienced politician, that if the numbers and population of the States disposed to secede and form a new confederation were not sufficient for self-protection, he would deem it unwise to separate. Better submit, was his argument, to exactions at home than to tyranny abroad. Crawford's recommendations, therefore, were these: A general convention, if possible; if not, a Southern convention, with a separate confederacy, if that seemed practicable; in no event nullification, which he rejected as not being a constitutional, peaceable measure, and not being even a suitable revolutionary measure.² The extreme State

rights party laughed at this effort to secure a change of the tariff policy from a large majority in favor of that policy and interested vitally in its preservation. There might have been some wisdom in the alternative proposed, a Southern convention, if the purpose had been to resort to ultimate measures, and if, as

The proposition
derided by
the new school.

¹ This is the expression of the *Boston Advertiser*, August 3, 1832. But there were earlier utterances of the kind.

² Alluding to the alleged peacefulness and constitutionality of nullification, he said: "I verily believe that no man in his senses ever believed it to be so." *Nilcs*, p. 185.

Crawford suggested, the resources for self-preservation were in existence. In the state of parties and on the issues before the public at that time, such a powerful combination of States was not feasible, and no very serious consideration was given to the proposition, however respectable the statesmen who originated or supported it. General Jackson was the national hero of the hour. Even in Virginia, by whose sturdy old Republicans he was not loved, there was no party sufficiently strong to overturn his ascendancy. The sentiment of Union was superadded to practical interest in some other quarters, and everywhere, except in a few localities, South Carolina and Alabama and among the special admirers of Mr. Calhoun in other Southern States, there was either repugnance or coldness towards the doctrine that a State could remain in the Union and at the same time nullify its laws and resist its authority.

The South Carolina Legislature convened on the 27th of November. Governor Hamilton's message stated the account between the State and the United States.¹ The latter claimed a further sum of sixty thousand dollars interest. Reviewing briefly the action of the Congress, he said that the die had been at last cast, and South Carolina had at length appealed to her ulterior sovereignty as a member of the confederacy, and planted herself upon her reserved rights. He defined the measure of legislation which they had to employ at the crisis to be, "the precise amount of such enactments as may be necessary to render it utterly impossible to collect within our limits the duties imposed by protective tariffs thus nullified." He refrained from suggesting details, but proposed that the Governor be authorized to issue certificates of clearance to vessels outward bound in case the collectors refused to do so. Noticing the rumors that coercion might be resorted to, he remarked that such threats were once "officially promulgated," and that "we must be prepared for this alternative." He therefore recommended a revision of the militia

November 27.
The South Carolina Legislature.
Governor's message.

¹ *Niles*, December 15, p. 215.

laws, the details of a volunteer system, and provisions for mounting heavy ordnance; for a quartermaster service, and that the President be requested to vacate the citadel at Charleston, occupied at the joint instance of the city and the State, in order to make room for State troops and munitions. "I cannot, however, but think," he said, in conclusion, "that in a calm and dispassionate review by Congress . . . that the arbitration by a call of a convention of all the States, which we sincerely and anxiously seek and desire, will be accorded to us. To resort to force is at once to prefer a dissolution to its preservation."¹

On the day of the passage of the Ordinance the convention enacted a replevin law.² The purpose in part was to carry the Ordinance into effect, and it was one of several measures intended to thwart the federal government in the execution of revenue legislation. This act was to take effect on the

Other and supplementary measures by South Carolina.

1st of February, 1833. It enabled the owner or owners of goods seized by United States officers and held for the payment of duties to recover such articles by giving bond. The process was through State officers and the State courts. The punishment provided in Section 10 of this act for attempts to recapture goods so replevined was a fine of not more than ten thousand dollars nor less than three thousand dollars, and imprisonment of not more than two years and not less than one year; besides, the offender was liable to indictment for other offences committed in the act. The keepers of jails were to be fined for imprisoning any persons arrested under the collection act of the United States, and fines were also imposed in other sections for renting a house to be used temporarily for such a purpose, and imprisonment added as a further deterrent. This act and the convention test oath and militia laws passed by the Legislature were deemed necessary to protect the interests of the State in the

¹ The message bore date November 27, the day of the assembling of the Legislature.

² Register of Debates, Twenty-second Congress, Appendix; *Niles's Register*, vol. xliii., p. 327.

delicate crisis it had invoked. The test oath was to be taken by all officers of the State save members of the Legislature. By the militia act the Governor was authorized to call out and organize corps of volunteers to be formed from the body of the militia. Other acts for public security were passed at this session of the Legislature.

Under the authority of all these ordinances and laws an armed force consisting of about twenty thousand men was assumed to be prepared for action.¹ Orders were issued by General Hamilton, the commander, for the disposition of troops and munitions, and the State of South Carolina bore the appearance of a vast encampment. In the border States certain zealous friends of the nullification movement formed themselves into armed companies for the purpose of going to South Carolina's aid in the event of war.

The administration at Washington was never more vigilant than it was then at any period in the country's history.

The armament in South Carolina. At the head of affairs was a veteran of many wars, who always became cool at the moment of actual peril, and whose resources for such an occasion were almost infinite. Weeks before the meeting of the convention in South Carolina "confidential" instructions were issued from the Treasury Department to the Collector of Customs at Charleston.² It was enjoined upon him to display "energy and vigilance," and he was reminded of the "delicacy and importance of the crisis." He was authorized to employ such revenue cutters as were in his district, and also such boats and inspectors as he thought were necessary. Indeed, the Government sent to him at once an additional cutter. The District Attorney of the United States for the

¹ I have found some difficulty in ascertaining the extent of South Carolina's military preparation. Loose newspaper statement makes the array as above, but it is not certain that so large a number ever had arms in hand. On the 1st of April, 1833, there was a grand closing parade at Charleston. The *Mercury* says thirteen hundred volunteers were present, of whom only five hundred were uniformed.

² Register of Debates, Twenty-second Congress, Appendix. This reference holds for the subjoined military and naval orders in the text above.

district of South Carolina was ordered to co-operate with the collector in measures for the execution of the laws. Nor, at this early period in the conflict, did President Jackson stop at civic preparation. A military man, who before that had asserted the rights, or supposed rights, of the United States with arms in his hands, where a civilian would have used the more peaceful process of the courts or negotiation, he saw the advantage of speedy movement. Whilst Governor Hayne was waiting for the Convention and the Legislature to clothe him with the power to organize and arm the militia, the President, believing himself vested with all power under the Constitution and laws to protect the interests of the United States in South Carolina, took steps three weeks before the Ordinance of Nullification to use force at least for the purpose of resistance. Orders were issued on November 6 and 7 to the commandant at Fortress Monroe to send two companies of artillery to Fort Moultrie, in Charleston harbor. Other troops with pieces of artillery were dispatched thither a month later.¹ But the most significant action was the sending to the scene of trouble the commander of the Eastern Military Department, Major General Winfield Scott. He was directed to repair immediately to Charleston and examine everything connected with the fortifications. But while he was given authority to strengthen the forts and reinforce the garrisons, he was to take no step except in what related to the immediate defence and security of the posts without the order and concurrence of the Collector of the Port and the District Attorney. Naval orders were issued on the 12th of December, 1832, to the commanders of two vessels—the “Experiment” and the “Natchez,”—to sail as soon as practicable for Charleston, and Commodore Jesse D. Elliott was assigned to the command of the station. The orders to the

The administration makes military preparation.

November 6.

December 7.

November 18. General Scott ordered to Charleston.

¹ In all there were ten companies of these troops, of which three were left after the troubles were composed. *Charleston Courier*, April 12.

commanders of vessels were: "Your acts are to be confined entirely to the defensive." The military commandant in the

harbor, Brevet Major Heileman, was instructed
October 29.

as early as October 29 to be vigilant, in order to prevent surprise. The President was a Southerner, and well knew the impetuosity of Southern character. But there was no danger until after the necessary constitutional forms had been observed, whatever threats may have been made by irresponsible parties, or reported to the President as having been uttered. In order to preserve the continuity of this part of the narrative, let us anticipate what followed in the Congress. General Scott made his head-quarters, for reasons of a strategic nature, at Savannah instead of Charleston. From the former city he could watch the movements at Augusta and on the Savannah, and be prepared to meet the exigency which would arise upon an invasion of South Carolina from Georgia. Indeed, learning that an attempt was to be made to seize the United States arsenal at Augusta, he strengthened the hands of the commandant, Colonel Twiggs, and secured that important point. But while the administration at first approved of Savannah as "the proper place," upon General Scott's statement, for the head-quarters, he was ordered on the 24th of January, and again on the 26th, to go to Charleston before the end of the month. He there took strong measures for meeting and overcoming the military preparations of the South Carolinians.¹

The President answered the proceedings in South Carolina by a proclamation, issued on the 10th of December.² It

was a remarkable document, combining all the
December 10.
Proclamation
of President
Jackson. vigor and courage of "Old Hickory" and the legal subtlety and Federal party principles of Edward Livingston and Louis McLane.³ It

preached the doctrine of the absolute supremacy of the Constitution and the indissolubility of the Union as strongly

¹ The grouping of these events anticipates other parts of the narrative.

² State Papers, Register of Debates; *Niles*, pp. 260-264.

³ Of the two, McLane only had been a member of the Federal party.

as Webster ever asserted it or Story argued it, except that it seemed to admit that the Constitution was in some respects a compact between the States, and not entirely a government set up by one act of one people. "We are," it said, "one people in the choice of President and Vice-President. Representatives, when chosen, are the representatives of the United States." The deduction was thus expressed: "The Constitution of the United States then forms a government, not a league; and whether it be formed by compact between the States or in any other manner its character is the same. Secession destroys the unity of a nation." The proclamation taught, indeed, that secession might be morally justified by the extremity of oppression, like any other revolutionary act; but it was insisted that to call it a constitutional right was to confound the meaning of terms. The advocates of it were either self-deceived grossly or they sought to deceive others. The unity of the people was inferred from acts of the united colonies. "In paternal language," and with "paternal feeling," the appeal is made to "Fellow-citizens of my native State;"¹ and he admonishes them also, "as the first magistrate of our common country, not to incur the penalty of its laws," for "the laws of the United States must be executed;" he had "no discretionary power on the subject,"—his duty was "emphatically pronounced in the Constitution." He asserted that there could be no peaceable resistance. "Disunion," he declared, "disunion by armed force is treason." Near the close of this long proclamation the President appeals in fervid terms to "Fellow-citizens of the United States." "The Great Ruler of Nations" is invoked in conclusion. The tremendous document was signed by the President, Andrew Jackson, and by the Secretary of State, Edward Livingston. Who was its real author or authors does not matter. In one sense Jackson was its sole author. He took the responsibility. His spirit broods over

¹ Jackson was born in what is now Union County, North Carolina, but he always said that he was a South Carolinian. For proof of his North Carolina origin, see Parton's "Life of Jackson," vol. i. p. 52 *et seq.*

the whole production, and no doubt the story is true that some of its most notable phrases were invented by him in the rough draft submitted to his secretary.¹ But the major part of the reasoning was Livingston's. The style was largely his. The principles were those of the leading members of the administration.

The excitement increased. Bitter assaults on the President appeared in the nullification press, and he was defied in South Carolina by the majority.² But the Union party was not overawed or inactive. In a meeting held at Greenville they threatened "drawn swords and fixed bayonets."³ At the elections by the Legislature of Governor and United States Senator their members cast blank ballots. To these positions the foremost men of the State—Hayne and Calhoun—were chosen. The new Governor took the oath of office in compliance with the Ordinance. The retiring Governor issued a farewell address, in which he employed the following language: "A large majority of the people would rather have every house on the fair surface of our territory razed to the ground and every blade of grass burnt than surrender to the despotism and injustice of that system of government against which we have unalterably taken our stand." The address of Governor Hayne was in a more conciliatory vein, especially towards those who had opposed the nullification movement. It was eloquent. There was much in it about "Carolina," but it closed with a fervent prayer for "our whole country."⁴

¹ *Niles*, December 22, p. 266; also Parton's "Life," vol. iii., chapter on subject. But Hunt, in his "Life of Livingston," p. 371, asserts the exclusive authorship for his subject.

² The *Mercury* spoke of the proclamation as "the edict of a dictator." "He can't intimidate the Whigs of South Carolina," it said, reviving a patriotic name. In the House of Representatives Preston enquired: "Are we Russian serfs or slaves of a divan?" The House laughed at the phrases, "his children," "like a father." Jackson was denounced as a tyrant by some of the speakers in the Legislature.

³ One of the younger Union leaders was the afterwards conspicuous B. F. Perry.

⁴ *Niles's Register*, December 22, pp. 267, 278. Twenty-six blanks were cast against Hayne in the election; one hundred and twenty in his favor. No votes except blanks were cast against Calhoun.

The Union Convention in South Carolina met in adjourned session on the 10th of December, Vice-President Middleton in the chair, in the absence of President Taylor. The Ordinance of the State Convention and the acts of the Congress complained of were referred to a committee, of whom ex-Governor Manning was chairman, and Johnson, Poinsett, and Pettigru were members.¹ Their remonstrance and protest claimed that the people had been entrapped in the election for members of the convention. It assailed the nullifiers on other points with great energy, not to say bitterness.²

Adjourned session of the Union Convention.

The Ordinance of Nullification was sent to the Legislatures of the Southern States. The remarks of Governor Floyd, of Virginia, in communicating the instrument to the House of Delegates, were favorable to it. In North Carolina and Virginia it was referred promptly to a committee for consideration.³ About this time the Pennsylvania House of Representatives passed almost unanimously resolutions disapproving both nullification and secession as without the warrant of the Constitution. The same resolutions advocated the continuance of protective duties in pursuance of the Governor's recommendations in his message.⁴ The events of this memorable winter are so closely connected, and so crowd upon the attention, it is almost impossible, and, perhaps, unnecessary, to arrange them in strict sequence. The Georgia Legislature discountenanced the proposition of the anti-tariff convention in that State, suggesting the holding of a State convention, and recommended, with outline of a plan, to the States of Virginia, North Carolina, South Carolina, Alabama, Tennessee, and Mississippi, a Southern convention, nothing to be done on the subject until five States should

The Ordinance before the Southern Legislatures.

Georgia's plan of a Southern Convention.

¹ Mr. James L. Pettigru, of Huguenot descent. A meeting of French-born and descendants of French-born citizens had been held some time previous, in opposition to nullification. *National Intelligencer*, October 12.

² *Niles*, p. 291.

³ *Ibid.*, pp. 266, 275.

⁴ *Ibid.*, p. 273.

agree.¹ Representation in this convention was to be based on the number each State had of Senators and Representatives in the Congress. Their recommendations were to be submitted to a State convention of the people in every State represented, for final ratification or rejection. The

Virginia criticises both the President and South Carolina.

Virginia resolutions criticised both the action of the President and that of the people of South Carolina. The South Carolinians were asked to suspend the execution of their Ordinance to the end of the first session of Congress. The delegation in the Congress was instructed to vote for a curtailment of the tariff to a revenue basis. The Virginia Legislature also sent commissioners to South Carolina, and suggested that a general convention should be called if the protective system was not abandoned before the expiration of the next session of Congress.²

In the Senate of the United States, on the 11th of January, Miller presented the resolutions passed by the Legislature of South Carolina. These resolutions

1833. In the Senate of the United States. Resolutions of the South Carolina Legislature. January 11.

declared that the power to issue a proclamation, vested by the Constitution and laws in the President of the United States, did not authorize him in that mode to interfere whenever he might think fit in the affairs of the States, or use it to make exposition of the Constitution, with the sanction of force, superseding action by the other departments of the government. They denounced as unconstitutional the late attempt of the President to order State authorities to repeal their legislation, which was characterized as manifesting a disposition to arrogate and exercise a power utterly subversive of liberty. The opinions of the President were said to be erroneous and dangerous, leading not only to the establishment of a consolidated government, but to the concentration of all powers in the Chief Executive. The right was asserted of each State of the Union, whenever it might deem such course necessary for the pres-

¹ *Niles*, p. 280.

² *Richmond Enquirer*.

ervation of liberty or vital interests, to secede peaceably from the Union, and the constitutional power of coercion by the general government was therefore denied. As a corollary from these doctrines, the Legislature of South Carolina asserted that the primary and paramount allegiance of the native and adopted citizens of that State was due to the State. The President's proclamation was spoken of as "rather an appeal to the loyalty of subjects than to the patriotism of citizens," and "as a blending of official and individual character heretofore unknown in our State papers and revolting to our conceptions of political propriety, . . . the solemn and official form of the instrument" alone entitling it to the consideration of the Legislature. The resolutions affected to see in the proclamation "undisguised personal hostility." The doctrines and purposes of the instrument were said to be "inconsistent with the just idea of a limited government and subversive of the rights of the States and the liberties of the people." The conclusion of this declaration of defiance was in these words: "That while this Legislature has witnessed with sorrow such a relaxation of the spirit of our institutions that a President of the United States dares venture upon this high-handed measure, it regards with indignation the menaces which are directed against it and the concentration of a standing army on our borders; that the State will repel force by force, and relying on the blessings of God, will maintain its liberty at all hazards."¹ The resolves were read, laid on the table, and ordered to be printed.² On the 14th of January, Calhoun offered a resolution which requested the President to lay before the Senate a copy of his proclamation of the 10th of December, and authenticated copies of the Ordinance of the people of South Carolina with the accompanying documents, and also of the proclamation of the Governor of South Carolina of the 20th of December, which was transmitted with the

January 14.
Calhoun's resolution.

¹ Register of Debates, p. 80.

² Ibid., p. 81.

request that he should lay them before Congress.¹ On the following day it was stated by Grundy on authority from the President that the documents would be ready the second day thereafter, or perhaps earlier, and that the reason why they had not been sooner communicated was that an authentic copy of the act of the Assembly could not be procured.

January 16. Accordingly, on the 16th of January, a message
The President's was received from the Executive, transmitting
compliance. the documents asked for. Grundy moved their
Mr. Calhoun reference to the Judiciary Committee, with an
defends South order to print. At this point Calhoun arose,
Carolina by and, observing that what he should say would
attacking the be entirely out of order under parliamentary rule, threw
President. himself upon the indulgence of the Senate. He said that
feeling "no disposition to notice many of the errors which
the message contained," he yet emphatically denied the substantial statement that the movements made by the State of South Carolina were of a character hostile to the Union. There was not a shadow of foundation, he proceeded, for such a statement. The President's grounds were not less extraordinary than the inference itself. Before South Carolina had taken any position of a conflicting character there had been a concentration of United States troops on two points, obviously for the purpose of controlling the movements of the State. One of these concentrations was at Augusta, and the other at Charleston. Previous to this circumstance South Carolina had looked to nothing beyond a civil process, and had intended merely to give effect to her opposition in the form of a suit at law. Calhoun declared that it was only when a military force was displayed on her border and in her limits, and when the menace was thrown out against the lives of her citizens and of their wives and children, that they found themselves driven to an attitude of resistance.² There was a great change in the opinion of the

¹ Register of Debates, p. 99. Calhoun's resolution was offered at the close of the day.

² Ibid., p. 101.

Executive within the last twelve months on the subject of the Supreme Court being the arbiter to decide constitutional points of difference between States and the general government. He alluded to Georgia's resistance. In answer to another part of the message, he would say that the reason South Carolina had not asked for a convention of the States in order to amend the Constitution, although she had wished over and over again to obtain such a convention, was that she had uniformly found a fixed majority against her in both Houses. Leaving the message and entering the more congenial field of fundamental principles and political history, he averred that the principle of decay was to be found in our institutions. To him the only cause of wonder was that our Union had continued so long. Its duration was mainly attributable to the election of Mr. Jefferson. The time, he declared, had come when we were called upon to decide between a confederation and a consolidated government. He described briefly the process of consolidation, and could see no distinction between a consolidated government and one which assumed the right of judging of the propriety of interposing military power to coerce a State. He asserted that we made no such government, and that South Carolina sanctioned no such government. She had entered the confederacy with the understanding that a State in the last resort had a right to judge of the expediency of resistance to oppression, or secession from the Union.¹ In the course of this speech Mr. Calhoun was, according to his own confession, carried along at times by the warmth of his feelings.² At least twice he ascribed to the President's action a character of deliberate malice, which he immediately retracted. The more notable instance was the passage in which he asserted that for attempting to exercise the right or understanding on

Calhoun confesses that he is excited.

¹ The chapters of this work on the Constitution show how far Mr. Calhoun was, in his fervid advocacy of nullification, from correctly representing the governing opinion in his State at the time of the formation and adoption of the Federal Constitution.

² Register of Debates, p. 103.

which South Carolina had entered the Union the people of that State were, in his own words, "threatened to have our throats cut and those of our wives and children. No, I go too far. I did not intend to use language so strong. The Chief Magistrate has not yet recommended so desperate a remedy." In the colloquy which followed between Calhoun and Forsyth, the latter disputed the justice of the parallel the former had sought to establish between South Carolina's present conduct and that of Georgia in the Cherokee affair. Forsyth said further that he had heard with great pleasure from that high source the declaration of South Carolina and the gentleman's enthusiastic love for the Union. It must be confessed, he observed, that the State in its course had placed the object of their love in extreme danger. Continuing, the Senator from Georgia remarked: "The Chief Magistrate pledges himself not to resort to any but defensive force; and the Senator from South Carolina tells us that South Carolina has no desire to use force unless assailed. The hope might be indulged that all these pledges would be redeemed: if they were, force could not be used."¹

The President's message, recommending additional legislation providing for the collection of duties on imports, was

referred to the Judiciary Committee, which reported a bill on Tuesday, the 21st of January.²

On the next day debate occurred on the question of fixing a day for its consideration. The Senators who sympathized with the nullifiers opposed Wilkins's proposition to open the discussion on the following Thursday.³ The Administration Senators favored the early date. Grundy mentioned as a reason for early action the fact that the 1st of February was the time set by South Carolina for her Ordinance to take effect. That time was near at hand, and the other House was to act after action had been taken in the Senate.⁴ Mangum, of North Carolina, a member of the

¹ Register of Debates, p. 104.

² *Ibid.*, p. 150.

³ He was instructed by the Judiciary Committee.

⁴ Register of Debates, p. 174.

Judiciary Committee, remarking that this was vastly the most important question which could be brought forward at that session,—a question so important that, in his opinion, it would “shake the ancient character of our institutions to their very foundations,”—moved its postponement until the Monday following one week.¹ In the discussion that took place the whole matter at issue was opened. Grundy had fears as to the issue of the proceedings in South Carolina. Miller defended her action, and said that the force proposed was not against people acting unlawfully, but a sovereign State performing rightful acts.² As to the oath for office-holders under the State, he denied that it was a test oath. “The State simply required all the agents in her pay to take an oath to support her laws.” It was not essentially different, he said, from the oath taken by every Senator and the officers of the government.³ Regretting that there should have been an exhibition of feeling on a mere proposition to fix a day for the consideration of a bill, Clay remarked that Thursday next was too short a time, and proposed the following Monday.⁴ Smith supported him, but Poindexter preferred Mangum’s motion, and Bibb also favored a more distant day. Among Poindexter’s objections to the bill were some provisions of the second section which he pointed out and which he declared transcended the jurisdiction of the United States courts, and were to that extent a repeal of the Constitution.⁵ Defending the Committee, Frelinghuysen said that the bill only enabled the Executive to discharge the sacred obligations which the Constitution imposed upon him when it ordained that he should “take care that the laws be faithfully executed.”⁶ The bill met the South Carolina Ordinance and laws with the counteracting agency of the Federal courts. Brown and King concurred with Clay as to the time. Calhoun resented Wilkins’s remark that South Carolina contemplated violent resistance to the laws of the United States. But the latter pointed to the various

¹ Register of Debates, p. 175.

² Ibid., p. 176.

³ Ibid., p. 177.

⁴ Ibid., p. 178.

⁵ Ibid., p. 181.

⁶ Ibid., p. 182.

acts of the State, and averred that there was no indication of a disposition in South Carolina to retrace her steps. He upheld the right of the general government to "adopt every measure of precaution to prevent those awful consequences which all must foresee as necessarily resulting from the position which South Carolina had thought proper to assume."¹ In the light of Clay's attitude towards the nullifiers a foreglimpse of events is perhaps to be had in the subjoined remark of Miller: "Let Congress modify or repeal the tariff by twelve o'clock on the night of the 3d of March, and I will underwrite the State of South Carolina that not an act of violence will take place, not a drop of blood will be shed."²

Clay's motion was viewed by two opposing interests as conciliatory. The friends of nullification and their apologists were pleased at delay. Perhaps they had agreed to. an inkling of something favorable to come. The party and protectionist enemies of Jackson were willing to rebuke him if it could be done without committing themselves to the doctrine of nullification. Hence, after the rejection of the longest proposed day, Mangum's motion, Clay's proposition was agreed to, that of Wilkins having been withdrawn.³

Ever ready to resort to first principles, Calhoun, on the 22d of January, offered three resolutions touching the origin and character of the government and the limitations upon its powers. He said that he had drawn them with great care, with a scrupulous regard to the truth of every assertion they contained. He also declared that he had been equally scrupulous in making no deductions but such as were sustained by the clearest and most demonstrative reasoning. He seemed to be sure that no one

January 22.
Calhoun's three
resolutions on
the character
of the Govern-
ment and the
limitations
upon its pow-
ers. His speech
on the same.

¹ Register of Debates, p. 184.

² Ibid., p. 185.

³ Ibid., p. 187. The vote for the longest day was nine ayes to thirty-seven noes. The ayes were Bibb, of Kentucky; Black, of Mississippi; Calhoun, of South Carolina; Mangum, of North Carolina; Miller, of South Carolina; Moore, of Alabama; Poindexter, of Mississippi; Rives and Tyler, of Virginia.

who valued his character for candor could contradict, or jury refuse to return a verdict in their favor.¹ He contended that the people of the United States were not united under the principles of a social compact as so many individuals, as was stated by the President. The great question at issue was, Where is the paramount power?

His answer was given in the propositions which he argued, that the people of the States as separate communities formed the Constitution; the Union was a compact between States, and the Constitution a bond between States.² To call the Constitution the social compact was the greatest possible abuse of language. "The sovereignty, then," to quote him literally, "is in the people of the several States united in this Federal Union. It is not only in them, but in them unimpaired; not a particle resides in the American people collectively. The bill," according to Mr. Calhoun, "sweeps away the questions of the tariff or its unconstitutionality, of nullification or whether the Supreme Court can decide questions in controversy between the States and the general government."³ The State as a community can break no law. It can as a sovereign body be subject to none. If it pledges its faith or delegates its powers it may break the one and resume the other, but the remedy in such cases is not hostile enactments,—not law by which individual citizens are made responsible,—but open force, war itself, unless there be some remedial and peaceful provision in the compact." That question was not before the Senate, but if it should be presented, he was ready to prove that this government had no right to resort to force. The illustrious framers of the Constitution were too wise and patriotic to admit of the introduction of force.⁴ All contests for power between the Federal Government and the States might be decided in a Convention of States, under

The paramount power in the people of the States as separate communities. The Constitution the bond between States.

¹ Register of Debates, p. 187.

² Ibid., p. 188.

³ Ibid., p. 189.

⁴ As has been shown in the first chapter on the Constitution, the proposition to employ force against States came from the State rights men of the small States, and was rejected along with their system.

the provisions of the Constitution, which were the wise safeguards against military despotism. In extending his remarks and alluding to the various points at issue, he observed that he could not but perceive in the bill itself evidence that there was on the part of its authors an internal feeling of the force of these arguments.¹ They had not made it directly applicable to the case of South Carolina, nor to the case of a State opposing on her own sovereignty what she believed to be an unconstitutional act of the Federal Government. He asked: "If there be guilt, South Carolina alone is guilty: . . . Why make it the general and permanent law of the land?"²

Calhoun's resolutions were substantially: 1. That the people of the several States, united as parties to a constitutional compact, having acceded as a separate sovereign community, each binding itself by its own particular ratification, and that the union of which the said compact is the bond is the union between the States ratifying the same; 2. That there was a delegation of certain definite powers to be exercised jointly, a residuary mass of powers reserved to the State governments, the assumption of which reserved powers by the general government is unauthorized and of no effect, and that the same government is not made the final judge of the powers delegated to it, but that, as in all other cases of compact among sovereign parties without any common judge, each has an equal right to judge for itself as well of the infraction as of the mode and measure of redress. The third resolution denies the opposite doctrine to that just stated.³

A different set of resolves was offered on the following day by Grundy. They were longer than but not so argumentative as Calhoun's. They began with the general delegation and reservation of powers in the Constitution, and proceeded to imposts, the power to lay which was declared

All contests decided in a Convention of States.

Delegation and reservation of powers.

Grundy's resolutions. The power to lay imposts expressly granted.

¹ Register of Debates, p. 190.

² Ibid.

³ Ibid., p. 191.

to be one of the powers expressly granted by the Constitution to the general government and prohibited to the States. The tariffs of 1824 and 1828 were regarded as exercises of the constitutional power possessed by the Congress, and attempts to obstruct or prevent the execution of the several acts of Congress imposing duties were affirmed to be unwarranted by the Constitution and to be dangerous to the political institutions of the country. At Webster's suggestion, the whole subject was postponed until Monday.¹

Like the closing years of the last century, this was an era of constitutional exposition by resolution. The extreme and moderate State rights parties had spoken.

It was now time for the advocates of another school to express its views. Three days later than the introduction of Calhoun's, Clayton, declaring that Grundy's resolutions had yielded the whole doctrine of nullification in the implied admission that an unconstitutional law of the Congress might be nullified, offered some resolutions of his own.² They declared in effect that the power to annul the revenue acts of Congress imposing duties on imports, or any other law, when assumed by a single State, was incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, and unauthorized by its spirit; that the people of the United States were for the purposes enumerated in the Constitution one people and a single nation; that the Constitution did not secure all the rights of independent sovereignty to any State; that the Supreme Court was the proper tribunal in the last resort for the decision of all cases in law and equity arising under the Constitution and laws; that resistance to the laws founded on the inherent and inalienable rights of all men to resist oppression was in its nature revolutionary and extra-constitutional. The concluding resolution was a declaration to support the President with

Clayton presents a third view of State and Federal powers.

¹ Register of Debates, p. 193. Mangum, one of the Calhoun party, had first proposed the postponement of the consideration of the resolutions offered by his friend, but had given way for Grundy to introduce his.

² Ibid., p. 231.

all the constitutional power necessary. These resolutions were framed with the greatest ingenuity to express more than they seemed on the first glance to contain.

The debate on the resolutions was opened by Mr. Mangum on Monday, the 28th of January. It was partly upon the

January 28.

The debate on
the resolutions
and the Force
bill.

Force or Collection bill, and was participated in by Webster, Calhoun, Grundy, Poindexter, and others. Calhoun desired Grundy to withdraw his resolutions. Webster called upon Calhoun to prove his charge that the bill would create a dictator and establish a military despotism. He also disputed the assertion that the resolutions offered by the gentleman from South Carolina contained indubitable facts, and said that he should be happy to meet the gentleman on that head. Calhoun replied gravely to Webster's use of Hudibras on "so solemn an occasion." He denied the statement of Webster that with the exception of the first section (a prudent reservation) all of the provisions of the bill had at some time received the sanction of South Carolina. When Calhoun closed with the remark that he would merely add that he felt as deep a conviction in his own mind of the truth of the propositions contained in his resolutions as of the fact that the gentleman from Massachusetts was then sitting in his chair, Webster replied promptly: "I do not doubt it."¹

The resolutions were then laid aside, and the House proceeded to consider formally the Force bill. The first sec-

Provisions of
the bill.

tion of this measure provided "that whenever by reason of unlawful obstructions, combinations or assemblages of persons, or unlawful threats or menaces against officers of the United States, it shall become impracticable in the judgment of the President to execute the revenue laws," etc., he might direct that the custom house should be "established and kept in any secure place within some port or harbor of such district, either upon land or on board any vessel." It was made unlawful to

¹ Register of Debates, p. 244.

take the vessel or cargo from the custody of the proper officer of the customs unless by proclamation of a United States court; and the President was authorized in defence of such officer and floating custom house to call out any part of the land or naval force or militia as might be necessary for the protection of such officer and custom house and to suppress riots of persons in any manner opposing the execution of the revenue laws, or otherwise in violation or in assisting or abetting in violations of the same. The second section extended jurisdiction of circuit courts of the United States "to all cases in law or equity arising under the revenue laws of the United States for which other provisions are [were] not already made by law." Property taken or detained by any officer under authority of any law of the United States was to be irrepressible, and any person dispossessing, rescuing, or attempting to rescue or dispossess, was to be deemed guilty of this misdemeanor and liable to the punishment provided in the act of April 30, 1790, for obstruction or resistance of officers.¹ Various details were given in succeeding sections. The fifth authorized the issuance of a proclamation by the President requiring the dispersion of "all such military and other force" as might be in too great numbers "to be overcome by the ordinary course of judicial proceedings, or by the powers vested in the marshal by existing laws." If such force did not disband, and the obstruction continued after the proclamation, the President was authorized to use the means provided in the act of February 28, 1795, entitled, "An act to provide for calling forth the militia to execute the laws of the Union," etc.; and also in the act of March 3, 1807, entitled, "An act authorizing the employment of the land and naval forces of the United States in cases of insurrection." Where jails or other houses were not allowed to be used it was made lawful to use other convenient places, or to make such other provisions as the marshal, under direction of the

¹ The twenty-second section. The punishment there imposed is a fine of three hundred dollars and imprisonment for twelve months.

United States judge, might deem expedient or necessary for the purpose. In the last of the seven sections of the act, either of the justices of the United States Supreme Court or a judge of the District Court of the United States, in addition to the authority already conferred by law, was empowered to grant writs of habeas corpus in all cases where a prisoner was confined for an act or acts done or omitted to be done in pursuance of a law of the United States, or of an order, process, or decree of any judge or court thereof. Refusal to obey such an order was made a misdemeanor, punishable by a fine of not less than one thousand dollars and imprisonment not exceeding six months, or either, according to the nature and aggravation of the case.

Mangum's motion to postpone the bill was lost by a vote of fifteen to thirty.¹ Wilkins, who spoke in support of the

Colloquies. measure, was interrupted by questions proposed

by Poindexter, Miller, and Calhoun.² The latter said, on the part of South Carolina: "It is not intended to use any force except against force. We shall not stop the proceedings of the United States courts, but maintain the authority of our own judiciary." But Wilkins asked: "How can the Ordinance refer to any laws of the United States when they are excluded from any operation within the limits of the State?" He read a circular relating to the selection of military routes and depots of supply and the question of arms for the force called out by the State of South Carolina. No name was signed to it, and it was to be kept out of the newspapers.³ The colloquy between Wilkins and Miller illustrates the extreme difficulty there was of a settlement on the terms proposed by South Carolina. The latter, in one of his replies to remarks by Wilkins, said: "If Congress passed a bill altering the tariff acts of 1828 and 1832, he was of the opinion that such act would set aside the Ordinance, which was specific in its application to those tariff acts." Wilkins replied, sarcasti-

¹ Register of Debates, p. 248.

² Ibid., p. 249.

³ Ibid., p. 251.

cally: "What prospect, then, was there of an abandonment by South Carolina of her present position? She only offered two modes: one to abandon the protecting system, which would be fatal to the industries of the Northern States; the other to call a convention of States." It was not probable, he said, that two-thirds of Congress or three-fourths of the States would agree to the call, and if they should it was not at all probable that they would alter the Constitution in the respects which would please South Carolina.¹ Wilkins spoke ably and at great length, not concluding his speech until the next day. Calhoun, in one of his interruptions, sought to make a distinction between military preparation, which he admitted to be going on in South Carolina, and array, which he denied.² To this observed Wilkins: "If we fold our arms and exhibit a perfect indifference whether the laws of the Union are obeyed or not, all will be quiet!" Further: "The moment we fail to counteract the nullification proceedings of South Carolina the Union is dissolved; for in this government of laws union is obedience and obedience is union."³ The moment South Carolina——" Calhoun (interrupting): "Who relies upon force in this controversy? I have insisted upon it that South Carolina relied altogether on civil process, and that if the general government resorts to force then only will South Carolina rely upon force. If force be introduced by either party, upon that party will fall the responsibility." Wilkins (resuming): "The general government will not appeal in the first instance to force. It will appeal to the patriotism of South Carolina,—of that magnanimity of which she boasts so much." Calhoun retorted, amid cries of "Order! Order!" from one or two members: "I am sorry that South Carolina cannot appeal to the sense of

Calhoun's distinction between military preparation and array.

¹ Register of Debates, p. 252.

² Ibid., p. 253.

³ Ibid. This is an extreme statement, unwarranted by anything in the political history of the country, and refuted by events already recited in the course of this history.

justice of the general government." Wilkins proceeded: "The government would appeal to that political sense which exacts obedience to the laws of the country as the first duty of the citizen. It will appeal to the moral force in the community. If that appeal be in vain, it will appeal to the judiciary. If the mild arm of the judiciary be not sufficient to execute the laws, it will call out the civil force to sustain the laws. If that be insufficient, God save and protect us from the last resort." Again: "If force be brought in to the aid of the law, who, I ask of gentlemen, is responsible for it to the people of the United States?"¹ He admitted the right of resistance by force, if Congress intended to overrun and subdue the State of South Carolina and overturn the liberties of its people.

The extensive debate which followed can only be very briefly indicated. Grundy spoke on the 30th of January, and was succeeded by Bibb, who did not conclude his remarks until February 1.² Frelinghuysen, having spoken for three days, was followed by Brown on the 4th and Holmes on the 5th of February.³ Tyler made perhaps the ablest of his Congressional arguments on this occasion.⁴ Bibb's contention was that, although South Carolina had been impatient and had gone to extremes, justice must be done to five other States; and that there was no constitutional power to coerce a State. Abuses or maladministration of delegated powers must be corrected through the instrumentality of elections. But the usurpation of powers not delegated was an entirely different thing. The federal government could not be the sole judge of the limits of its powers: there was nothing in the compact justifying such a conclusion. From the nature of the questions over which it had jurisdiction, the Supreme Court

¹ Register of Debates, p. 254, for above colloquy.

² Ibid., pp. 263, 264-312.

³ Ibid., pp. 312, 333, 348.

⁴ Ibid., pp. 360-377.

could not be final arbiter. The power to coerce States had been proposed in the federal convention and rejected. Four considerations were to be kept constantly in view: 1. The perpetuity of the Union; 2. The necessity for a fair and energetic administration of the government as ordained and established; 3. The safety of a minority of the States against a combination of the majority; 4. Security against usurpation and degeneracy into practical tyranny. Frelinghuysen argued that the Union was not a mere federal compact; that the delegates to the ^{Frelinghuysen.} Federal Convention were chosen to form a new Constitution; that their commission was not from sovereign States, but from the people; and that when they had completed their work and were ready to return to the people the very words of the instrument which they had formed and which was ratified by the people "were so selected as to put down forever the delusive idea of State interference and State sovereignty." He continually confused the ideas of sovereignty by the people of the States and the alleged sovereignty of the State governments. He professed to have understood Calhoun as claiming that sovereignty resided in the State governments as distinguished from the people of the States. When the South Carolina Senator interpolated the correction, "In the people of the States," Frelinghuysen affected to construe this as an admission that Calhoun had surrendered his ground and left nothing to contend about. He further misrepresented the theory of the other side by the statement that they claimed that all allegiance was due to the State. Their contention was that allegiance in the last resort against infractions of the fundamental law was due to the State; that is, to the people of the several States acting in their sovereign capacity, in conventions. Overlooking the fact that in the *Olmstead* case the contest was merely between the judiciary of the federal government and a State of the Union, he claimed that this was the very issue which South Carolina sought to try. This Senator relied upon the previous enforcement legislation of the

Congress as precedents.¹ In reviewing the Olmstead case Brown, of North Carolina, showed that, although Pennsylvania resisted, the federal government did not resort to coercion. The Congress and the President trusted to the force of our institutions, without other remedy, and those institutions triumphed. That example was commended to Pennsylvania. Let her show the same forbearance towards the people of South Carolina as the Union practised towards her. Repudiating nullification, he also repudiated what he called "the high-toned doctrine of the Federal party." In his opinion, nullification was attributable to that doctrine. When Jefferson saw that the Union was in danger from the embargo measure, that act was repealed. The whole of the Southern States, and not South Carolina alone, opposed the protective policy. And he believed that a majority of the American people desired a modification of the tariff. He did not mean to imply that the United States government should yield to every rash requirement of a State. But the primary interests and sensibilities of States and sections should

be regarded. The tendency of Tyler's argument was to show by the history of the country that the government from the beginning was federative in its basis and operation. Many of the provisions of the present Constitution were taken almost *totidem verbis* from the articles of confederation. The government was created by the States, was amended by the States, was preserved by the States, and might be destroyed, he contended, by the States; and yet we were told that it was not a government of the States. He said: "The great American idea was and is that sovereignty resides alone with the people, and that public servants are but their agents." Protection by the United States government, even on the ocean, he held, was due to State agency and means. The inference that the federal government might punish a State for treason

¹ None of these acts had been directed against the acts of the State convention, and were, therefore, not pertinent.

was wholly fallacious. The power to punish treason in individuals was a concession by the States necessary for the preservation of each, and produced no transfer of allegiance. If no such provision had been put in the Constitution, there would have existed no power to punish those who committed the offence. Tyler defended the course of Virginia in the matter of the Virginia resolutions of 1809 on the proposition from Pennsylvania. This, he declared, was an extraordinary proposition, since it was confined by its terms to the sole case of a difference of opinion between the State and federal courts, and omitted any provision for collisions between the other departments of the government. The residue of his defence was feeble, since it depended on the statement that because the resolution was unanimously adopted it was adopted hastily. Like all of the other pronounced State rights Senators, he disavowed the policy of South Carolina, but would not join in denunciation or deny that she had cause of complaint. The nullification Senators, as they were called, generally expressed confidence in the President, but stated their opposition, some of them in strong terms, to conferring upon him what they regarded as extravagant powers. Tyler thought that under the operations of the Force bill the Chief Executive might consider the members of the South Carolina Legislature aiders and abettors in the resistance to the federal government and order their arrest.

On the 7th of February, Poindexter offered a resolution requesting the President to lay before the Senate copies of his military orders directed to the commanding officer of the forces in and near Charleston, particularly such orders, if any had been given, as referred to resistance to the constituted authorities of the State of South Carolina within the chartered limits of that State.¹ After a brief discussion, the resolution was laid over until the following day, on the motion of Grundy. A remarkable argument on the Collection bill

February 7.
Poindexter.
The President's
military orders.

¹ Register of Debates, p. 377.

and cognate subjects was delivered on this day by Clayton, of Delaware. It was probably the most incisive and com-

prehensive which had yet been contributed to the debate on the side of federal as opposed to Clayton.

State powers in the last resort.¹ Clayton began by reading some resolutions of the Delaware Legislature to which he gave his approbation. These resolutions declared in substance that the Constitution was not a compact, but a form of government emanating from and established by the peo-

ple of the United States; that that government, though one of limited powers, was supreme within its sphere of action, and that the people owed to it allegiance which could not be with-

drawn by State nullification or State secession; that the Supreme Court was the only tribunal for the settlement in the last resort of controversies arising under that Constitution and the laws of Congress; and that "resistance and revolution," declared to be "extra-constitutional," were the remedy in "cases of gross and intolerable oppression." This

debate developed the party relations of the participants. Clayton accused Wilkins of sustaining the principles of the bill for the sake of the man who was to execute its provisions. In reply to the strict constructionists, he said that the Virginia and Kentucky resolutions had been laid on the shelf for thirty years, that the latter were entitled to no respect, and that nullification presented even greater evils in perspective than secession. He, like Frelinghuysen, charged unfairly the rigid State rights advocates with drawing distinctions between a State and the people of a State. But he obtained some legitimate advantage over his opponents in discussing the question of the term "sovereignty" as used in the circular of the Federal Convention, issued September 17, 1787. He said that the whole government was the agent, not especially of the people of South Carolina, but of the people of the States. The South Carolina address which he exam-

The Federal Government limited, but supreme within its sphere.

Party relations.

¹ Register of Debates, pp. 378-403.

ined was faulty in phraseology on the subject of sovereignty. Clayton contended that sovereignty was a unit, indivisible, but not in the sense insisted upon by the South Carolina people. His unit was the people of the United States. Our government was both federal and national. Leagues and consolidated republics, in his view, were intolerable evils. The government of the United States originated in a compact between the people; but he appeared also to think that the State governments were likewise parties. He distinguished between sovereign power and ultimate sovereignty: the former was distributed between the State and general governments, and between the different departments of these governments; the latter rested in the people of the United States. In a colloquy with Calhoun, the latter seemed to make an irresistible point when he said that the Federal Convention had refused to give the National Legislature power to negative State laws interfering with the harmony of the Union. "True," replied Clayton, "it was not adopted clearly because it was a new proposition to confer judicial power on the National Legislature after the Convention had resolved to confer all the power necessary for checking State legislation on the national judiciary." To this Calhoun responded that what he had denied was that a proposition to give jurisdiction to the Supreme Court in all controversies between the United States and an individual State had not been adopted by the Convention. Clayton retorted that five days after the report was made an amendment including the substance in nearly the same language was adopted—on the 27th of August—and that that amendment stood incorporated in the Constitution. Interrupting, Calhoun asked: "But will the gentleman contend that a State may be sued since the adoption of the eleventh amendment?" Clayton answered: "The eleventh amendment prevented any suit against a State by citizens of another State or by citizens or subjects of any foreign State;

Sovereignty a unit, and this unit the people of the United States.

Distinction between sovereign power and ultimate sovereignty.

The judicial check. Clayton and Calhoun.

but does not in any way impair the right of the United States to sue a State. It was never designed to impair that right." A colloquy occurred later in the day between Clayton and Tyler. "Can the gentleman from Virginia still deny that he is a citizen of the United States?" interrogated the former. "I deny," replied Tyler, "that I am a citizen of the government of the United States." Clayton merely said in rejoinder that he could not "bandy useless metaphysical distinctions with any member." Clayton himself set up a fine distinction. He argued that the principle of the bill was to operate on the citizens of the State, not on the State itself. He contended that the Congress had power to delegate its authority on the President. Throughout his argument he was more subtle than conclusive as to first principles; but his keen eye saw the weaknesses of the opposition not only, but also the defects of the bill. Quicker even than Webster, he detected and pointed out that the second and third sections of the bill contained "unnecessary and improper restrictions on the just powers of the State courts," and declared that they would prove oppressive in practice on the suitors in those courts. Webster injected the remark: "None but officers of the United States can take advantage of those sections." But Clayton demonstrated that the words, "any officer or other person," proved the contrary, and he secured a modification in accordance with his suggestion.

The interest was so great and the time for action so short that the Senate several times refused to postpone the question or to adjourn in order to oblige Senators who were too indisposed to proceed with their speeches.¹ Opposing the Force bill, the following Senators spoke at a subsequent stage of the proceedings, some of them at length: Mangum, Tyler, Bibb, Brown, Calhoun, Miller, the first and last of whom made formal and elaborate addresses. The speakers in favor of the measure were Grundy, Webster, and Dallas.² A portion of the debate

Other
arguments.

¹ Register of Debates, p. 404.

² Ibid., pp. 404-459.

was upon Poindexter's resolution, mentioned above. Grundy wished to have the usual discretion left in the President. Poindexter denied that it had been usual to make exception in calls for information from the President in regard to army and navy orders. Grundy "supposed" that one of the most respectable citizens of South Carolina had given information upon which orders had been issued. Would the gentleman have the name of this citizen and all the circumstances disclosed? "Yes, the whole of them," replied Poindexter. "Would not such disclosure lead to the immediate shedding of blood?" enquired the Tennessee Senator, President Jackson's friend and the administration leader on this occasion. In an undertone the Senator from Mississippi expressed his disregard of the consequences. Grundy declared that that was what he wished to avoid.¹ Poindexter said further that he desired to know if any officer stationed at a particular post had permitted his feelings to be so strongly enlisted as to interfere with his duty.² Calhoun remarked that there was not one word in the resolution which ought to provoke opposition.³ Webster endeavored to affect the relations between the secession Senators and the administration. "Will you please to remember, sir, that this is a measure founded in executive recommendation. The committee have not adopted a feature that was not in the message."⁴ Tyler and Bibb replied, the former that he had not enquired from what quarter the bill came, the latter throwing back the imputation with indignation that he had been the subservient tool of any man, and, besides, denying that the bill was in accordance with the message.⁵ Bibb put Webster on the defensive by asking if there was any link or communication between the bill and the message other than what appeared. Webster averred that there was nothing in the first and fifth sections (which had been indicated by the opposition as new matter) that the message did not recommend. The

¹ Register of Debates, p. 407.

² Ibid.

³ Ibid., p. 408.

⁴ Ibid., p. 410.

⁵ Ibid., p. 411.

President had had the "daring effrontery" to ask for these powers, no matter how high the offence.¹ Webster exposed the division in the Democratic or Jacksonian party. Dallas said: "This Ordinance has violated almost every contract or compact involved in that [the Federal] Constitution." He asserted that the South Carolinians had "nullified that important provision which secured the right of trial by an impartial jury." Nullifying the revenue act, South Carolina had also annulled the judicial act. Not only so, he continued, but the paramount character of our national allegiance was denied and overthrown.² He argued that the naturalization laws showed that allegiance was due to the general and not to the State government. He charged despotism against what he called the "combination" of a few men in South Carolina to control the affairs of the State, and asked why the Ordinance had not been submitted to the people for ratification.³ He said that secession was manly, unmasked, open and above-board, but nullification was secession in disguise, with a constitutional mask, partial in its pretensions, and covert in its operation. Dallas averred that the Constitution was its own best expounder, but he found proofs of the nationality of our government in "four striking periods of our annals,"—the General Congress of 1774, the Declaration of Independence, the Articles of Confederation, and the present Constitution. Of the Congress of 1774 he declared: "It was certainly an assembly more national or popular in its apparent origin and influence than federative."⁴ He quoted the remark of Charles Cotesworth Pinckney, so often used in previous debates: "The separate independence and individual sovereignty of the several States were never thought of by the enlightened band of patriots who framed the Declaration." He placed "the authoritative point of investigation," how-

¹ Register of Debates, p. 413. Bibb had said that he could not imagine that any President would have the daring effrontery to ask Congress to give him such powers.

² *Ibid.*, p. 418 *et seq.*

³ *Ibid.*, p. 421.

⁴ *Ibid.*, p. 424.

ever, in the manner of the ratification of the Constitution.¹ In reference to "critical niceties," he remarked the consolidating aspect of the expression in the Constitution, "the supreme law of the land," and insisted that it would be inconvenient, incongruous, and preposterous to reserve a right to resume at pleasure what was agreed to be surrendered and had been finally surrendered. Dallas did not, as others on the same side had done, contend that the Supreme Court was a whole or final arbiter of constitutional questions which arose between the general government and the State governments. "There is another," he said, "in the way of nullification or secession; and I answer that the only judge in the last resort, whether the Constitution shall be at an end or not, whether the government shall be arrested in its operations or not, is the very sovereignty by which it was created, and from which it received its first impulse; that sovereignty is the people of the United States." This argument was treated by the nullifying party and their friends with profound respect.² On the 9th of February, Grundy, in reply to Calhoun, stated that there was nothing in his own previous remarks to support the inference that the President had responded to communications from South Carolina, or that his proclamation was known in that State before its appearance. Party excitement was high enough there without adding fuel to the flame.³ On a subsequent day Poindexter showed that at the period of the Burr conspiracy a similar call for information, originating with Randolph, had been made upon the President. It went even further: it was to ask what had been done and what was intended to be done in relation to the supposed conspiracy.⁴ Grundy withdrew his proposed amendment, modifying the call so as to ask merely for copies of orders, and the Poindexter resolution was then agreed to.⁵

The Force bill was postponed on Saturday, the 9th, until Monday, the 11th of February.⁶ On the latter day Clay

¹ Register of Debates, p. 426.

² *Ibid.*, p. 430.

³ *Ibid.*, p. 431.

⁴ *Ibid.*, p. 432.

⁵ *Ibid.*, p. 433.

⁶ *Ibid.*, pp. 441-443.

gave notice of his intention on the morrow to introduce a bill to modify the various acts imposing duties on imports.

February 9-11.

Miller proved by quotations that Frelinghuysen's claim, that the Resolutions of '98 and '99 were never used in a Presidential campaign after that between Jefferson and Adams, was groundless. But he admitted that Virginia slept at her post in 1809. In the

South Carolina
quotes a Massa-
chusetts prece-
dent.

course of his argument to sustain nullification, Miller was driven to defend the conduct of Governor Strong, of Massachusetts, in refusing to obey the act of Congress which gave the President the power to call on the Governors of States for the militia when the President thought that the contingencies had occurred. The South Carolina Senator said that no fault was to be found of Strong, as he submitted the matter to the State judges, and they decided that he had the right to refuse if he deemed that the contingency to support such a call had not happened.¹ He asserted that the position of South Carolina on the subject of secession had been misunderstood by some and misrepresented by others. "It is not true," he declared, "that any attempt on the part of the general government to enforce the revenue law is made the condition upon which the secession shall take place. The exception is a very broad one,—any attempt except by the 'civil institutions' of the country."² Speaking for himself only, Miller did not think that as a political principle the federal government could recognize the right of secession, simply because no government, unless it was so agreed upon in its constitution, could recognize that which might lead to its own dissolution.³ He appeared to hold that the practical assertion of the right to secede would come only in the last resort, when it would be immaterial to enquire whether it could be done peaceably or otherwise. He considered that a State had the same right to secede that a citizen had to emigrate. Every citizen might emigrate, and thus destroy the State. The federal government in the ab-

¹ Register of Debates, p. 446.

² Ibid., p. 449.

³ Ibid.

stract could not admit of secession; nor could a State in the abstract admit of the right of emigration, unless covenanted for, as in Connecticut. There was no way to prevent either except by the exercise of such arbitrary power as would shock the moral sense of a people accustomed to live in a free government. In reply to Dallas, he contended that the Constitution of the United States had no bearing on the right of trial by jury.¹ In all essential particulars this extended speech of Mr. Miller was short of the requirements of the occasion. But there were some averments which, coming from a Senator representing a State in conflict with the United States, are illustrative of her position. Thus, in referring to the canvass for the State convention, he observed: "I hazard nothing in saying, if the President had published his opinion of the duty he should feel under to enforce the decrees of the Supreme Court last summer, instead of permitting an inference to be deduced that he would not, no convention or nullification would be in force in South Carolina at this time: a different issue would have been tendered." He insisted that the State had followed the theoretical and practical opinion of the President up to the issuing of his proclamation, and that in every stage of the controversy the United States had done the first wrong.²

Wilkins's amendments were adopted, the principal one of which was the striking out of the first section the words "unlawful threats and menaces." A new section was also added, which restricted the operations of the law to the end of the next session of the Congress. Forsyth's motion to strike out the third section provoked opposition from Webster and Wilkins, the former of whom deemed that to be the most important feature of the whole measure. Wilkins also regarded it as indispensable.³

Wilkins's
amendments
adopted.

¹ Register of Debates, p. 450. The argument in brief was that the Constitution of the United States only provided for the maintenance of the right by existing laws, and that the State Constitution could be altered.

² Ibid., p. 454.

³ Ibid., p. 461.

In presenting his Compromise measure Clay made, perhaps, not the ablest but certainly one of the most effective of his Congressional speeches. He discussed the whole subject with great candor. He showed that South Carolina was wrong, but that other States had also been wrong on similar questions of conflict between the States and the general government, although not so rash and intemperate. The tariff, how-

The tariff the first object of his solicitude.

ever, was declared to be the first object of his solicitude. "If it should even be preserved at this session," he said, "it must fall at the next session." He would not pretend to elucidate why this change had been rendered necessary, but accepted the fact. He declared that the repeal of the Edict of Nantes was nothing in comparison with the mischief which would be produced by the overthrow of the interests protected by the tariff.¹ The evil of a vacillating policy was pointed out, and, he seemed to think, obviated by such a basis as the one found in his modification. He read and commented

Explanation.

seriatim upon the provisions of the bill, speaking at great length on the second section, relating to low-priced woollens. He explained that the third section provided a rule by which the duties were to be reduced to the revenue standard, Congress being in the mean time authorized to adopt any other rule which the exigencies of the country might require. The same section also required that the duties should be paid in ready money,—a provision that had been long demanded for their security by manufacturers. Mr. Clay desired evidently not to offend any interest which he could draw to the support of his measure. He said that he did not wish the present bill to be considered as united in fate with the measure providing for the distribution of public lands and the subject of internal improvements. But he endeavored to show that if the latter passed they would work together. It was not sure that there would be any surplus under the operations of the bill.²

¹ Register of Debates, p. 462.

Ibid., p. 465.

He attacked the estimates of the Secretary of the Treasury as to future expenditures as unreliable and calculated artfully, without imputing to him or to any one improper motives, to get rid of the tariff. Mr. Clay then considered the objections which he thought would be raised. He regretted that the greater part of the country would not suffer the principle of raising revenue from the protected and not from the unprotected articles. But he thought that the time would come when it would be adopted as the permanent policy of the country.¹ He contended, however, that the bill would not interfere with the power of protection. The most that could be urged was that the manufacturers relinquished some advantage.

The manufacturers would only relinquish some advantage.

In four or five sentences he stated the situation as it appeared to him: "If we can see our way clearly for nine years to come, we can safely leave to posterity to provide for the rest. If the tariff be overthrown, as may be its fate next session, the country will be plunged into extreme distress and agitation. I want harmony. I wish to see the restoration of those ties which have carried us triumphantly through two wars. I delight not in this perpetual turmoil. Let us have peace, and

"Let us have peace."

become once more united as a band of brothers."² He observed again: "This confederacy is an excellent contrivance, but it must be managed with delicacy and skill. The infinite variety of local interests and prejudices should be made to yield to the Union." He answered all of the objections of the friends of protection, adroitly considered the time required, made the admission cautiously but with a certain purpose that after eight and a half years the protective principle would be in some measure relinquished, argued subtly that "what we lose no foreign hand gains," and finally urged that "the distribution was founded on that great principle of compromise and concession which lies at the bottom of our institutions, which gave birth to the Constitution itself, and which has continued to regulate us in

¹ Register of Debates, p. 466.

² Ibid., p. 467.

our onward march and conducted the nation to glory and renown.”¹

Mr. Clay now approached the most delicate part of his subject. He said that the aspect of things had greatly changed since the commencement of the session. When he came to take his seat he had supposed that a member of the Union had assumed an attitude of defiance and hostility to the authority of the general government. He had in consequence felt a disposition to hurl defiance back and to impress upon her the necessity for a performance of her duties as a member of the Union. But since his arrival in Wash-

ington he had found that South Carolina did not merely making contemplate force. She disclaimed the allegation an experiment. tion and asserted that she was merely making an experiment. By a course of State legislation and by a change in her fundamental laws she was endeavoring by her civil tribunals to prevent the general government from carrying the laws of the United States into operation within her limits. Her appeal was not to the sword, but to the law. He ventured, he said, to predict that the State to which he had referred must ultimately fail in her attempt. While he refrained from saying anything to the disparagement of that State, he thought that she had been greatly in error, and had, to use the language of one of her own writers, “made up an issue unworthy of her.” He further affirmed that from one end of the continent to the

the other nullification had been put down by the irresistible force of public opinion more effectually than by a thousand armies. He

would express two opinions. The first was that it was not possible for the ingenuity of man to devise a system of State legislation to defeat the execution of the laws of the United States which could not be countervailed by federal legislation.² The other was, and here he appeared to be criticising the President, that it was not possible for any State, provided the general government was administered

¹ Register of Debates, p. 469.

² Ibid., p. 470.

with prudence and propriety, so to shape its laws as to throw upon the general government the responsibility of first resorting to the employment of force. South Carolina taking this view of the subject was doing nothing more, except that she was doing it more rashly, than some other States had done; and he cited Ohio in the bank taxation cases and Virginia in the lottery cases, but he was not sure that he was correct in the history which he gave of the latter. South Carolina, he continued, had postponed the operation of her Ordinance, and would without doubt again postpone. It was utterly impossible, he declared, that she should have ever desired for a moment to become an independent State. Mr. Clay concluded his speech with a solemn appeal for a deliberate consideration of a measure intended to restore harmony to the Union.¹

Forsyth opposed the granting of leave to introduce the bill, but said that its avowed object would meet with universal approbation. But in "the project now offered he could not see the elements of success." Forsyth's opposition.

The opportunity presented a few months before should have been seized. Only fourteen days of the session remained, and it would be better to await the action of the House of Representatives on the bill before that body. He objected, too, that the bill was a violation of the Constitution, because the Senate had no power to raise revenue. He asserted that the tariff was "at its last gasp," and that Debate on Clay's request. its partisans, no longer able to sustain a conflict, sought to make the best bargain they could.² Smith, another Senator of the administration party, complained that the bill contained nothing but protection from beginning to end. Nevertheless, he thought that the reduction on some articles was too great.³ Poindexter returned his hearty thanks to the Senator from Kentucky for the bill, and hoped that leave would be granted to introduce it. He protested against what he called the inconsistency, which would bring out the whole of the country to carry the tariff laws into effect and then refuse to receive any proposition to modify

¹ Register of Debates, p. 472.

² Ibid., p. 473.

³ Ibid., p. 474.

the tariff. Although he had not examined the bill, Sprague, of Maine, expressed the hope that leave would be granted. He sharply arraigned Forsyth for his sarcasm at the mover of a tranquillizing measure. He also observed that the gentleman would find that the victory over protection was not yet won.¹ Seeing that he had made a mistake, the Senator from Georgia disclaimed having been sarcastic; he declared, on the contrary, that he had praised the Senator from Kentucky. After further remarks by Clay, Calhoun approved the objects for which the bill was introduced. He who loved the Union must desire to see that agitating question brought to a termination. He said he believed that to the unhappy divisions which had kept the Northern and Southern States apart "the present entirely degraded condition of the country was solely attributable."² He favored the general principles of the bill, especially that of fixing *ad valorem* duties, except in a few instances, but there were some objections to the measure. He seemed to regard these as minor points in the settlement which would present no difficulty when gentlemen met "in that spirit of mutual compromise which he doubted not would be brought into their deliberations without at all yielding the constitutional question as to the right of protection." This remark was greeted with tumultuous applause in the galleries.³ Dickerson would vote against leave on the ground that the bill could not originate in the Senate. While Webster could not concur in some of the provisions, he would vote for leave. It could hardly be rejected on the ground taken by the Senator from New Jersey. If he understood the plan, it was to surrender the power of discrimination or a stipulation not to use that power in the laying of duties on imports after the eight or nine years had expired. For one he was not ready to enter into the treaty, and he did not take the despairing view of the gentleman from Kentucky on the subject of the tariff.⁴ Clay refused to adopt Forsyth's suggestion to strike out the clause that

¹ Register of Debates, p. 475.

² Ibid., p. 478.

³ Ibid., p. 477.

⁴ Ibid., p. 479.

raised the duty. The debate proceeded between Buckner, Kane, Holmes, Chalmers, Foot, King, Forsyth, and Clay, who concluded the day's discussion.¹ Dickerson having objected to Forsyth's motion to read Clay's bill a second time with a view to commitment, the bill was ordered to be printed.²

The consideration of the Force or Revenue Collection bill was resumed. Some of the extreme State rights party refused to vote on Forsyth's motion to strike out the objectionable third section. Calhoun was one of four of them, however, who supported it. It received no other vote except Moore's. Calhoun himself moved that the bill as amended should be printed, which was ordered. Pending the first of these motions, the nullifying party moved twice to adjourn.

The Force bill again.

On the 13th of February, Webster introduced five resolutions on the subject of the tariff. They declared (1) that as soon as it could be ascertained that the act of 1832 produced a surplus, provision ought to be made for the reduction of duties, having just regard to the various interests and opinions of different parts of the country, but having regard for (2) an increase in the amount of duty on some articles. The second resolution provided for the reduction to be on a specific basis with respect to revenue and protected articles both, and the rate of wages. The third resolution further enforced the principle of discrimination by a declaration that the opposite plan was "unwise and injudicious" and "hitherto equally unknown in the history of this government and in the practice of all enlightened nations." His fourth resolution asserted that the power of commercial regulation or of laying duties on imports having been taken from the State governments and vested in the Congress of the United States, Congress could not surrender or abandon such power com-

February 13.
Webster's tariff
resolutions.

¹ Register of Debates, pp. 479-481.

² This bill contained six sections. Register of Debates, vol. ix. part 1, p. 481.

patibly with its constitutional duty. The last resolve was aimed directly at Clay's movement. It proclaimed "that no law ought to be passed on the subject of imports containing any stipulation, express or implied, or giving any pledge or assurance, direct or indirect, which shall [should] tend to restrain Congress from the full exercise, at all times hereafter, of all its constitutional powers, in giving reasonable protection to American industry, countervailing the policy of foreign nations and maintaining the substantial independence of the United States."¹

The debate on Clay's bill having been resumed, Dickerson moved that it should be referred to the Committee on Manufactures, and Grundy that it be referred to a select committee chosen from different sections of the Union.² The latter expressed the hope that Mr. Clay would be put at the head of the committee. Clay and Calhoun also expressed a preference for a select committee, and the proposition was further endorsed by Bell, King, Moore, and Holmes, Senators holding variant opinions on the tariff question. Buckner favored Dickerson's motion, and Benton, stating his objections to the bill, said he would not send it to any committee. On the motion of Dallas to lay the bill upon the table the yeas were thirteen and the nays twenty-six. The affirmative vote was largely Northern Democratic, the negative majority having been made up of the friends of South Carolina and the National Republicans. This was the first step in an alliance which was to last during the remainder of General Jackson's administration. By twelve to twenty-six the proposition to refer the bill to the Committee on Manufactures was then defeated. It was referred to the select committee.³

During an ensuing debate on the Force bill, Moore, of Alabama, said that neither the God of nature nor the Constitution had made a distinction between the labor of the slave and the labor of the free, between the bondsman and his

¹ Register of Debates, p. 484.

² Ibid.

³ Ibid., p. 486. Journal, p. 175.

master, and the South would not permit the government to do it by protecting the free labor of the North at the expense of the slave labor of the South.¹ Motions to postpone the question were made at different times by the enemies of the measure. Webster's resolutions, on motion of Chambers, were tabled on the 14th of February.²

The argument of Rives on the Force bill was one of the most able and moderate of the series.³ It was based chiefly on Mr. Madison's views, or rather on the later Rives on the Force bill. presentation of them, on the subject of State sovereignty. The consequence of nullification in South Carolina would be to abolish the uniformity of imposts and the equality of fiscal and commercial regulations. Otherwise, he contended, the whole commerce of the country would be drawn to the free ports of South Carolina. But a view of higher importance was that the example would inflict a mortal wound on the Constitution. The government would be thenceforward virtually dissolved. Agreeing with Calhoun's first position that the Constitution was a compact between the States as independent and The Constitution a compact, but State sovereignty not absolute. separate communities, he differed from the great South Carolinian in respect to other propositions. State sovereignty was not absolute. As to defined objects there was a sovereignty in three-fourths of the States which were necessary to change the Constitution. Mr. Rives said: "In the body of the community the sovereignty of each system resides; that of the federal system, in the community called the United States, that of the State systems, in the communities called the States." Jefferson admitted nationality in the general government for certain purposes; also Washington in his Farewell Address, and Madison in his letter to the *North American Review*. The honorable Senator from South Carolina himself, in his letter to Governor Hamilton, published last summer, says: "The general government is the joint organ of all the States confederated into one general community." He

¹ Register of Debates, p. 491. ² Ibid., p. 492. ³ Ibid., pp. 492-517.

quoted also the report and exposition adopted by the South Carolina Legislature in 1828, as follows: "Our system itself consists of two distinct and independent sovereignties." In the second sentence as quoted there was no inconsistency with the attitude of South Carolina in 1833. It was declared that the general powers conferred on the general government were subject to its sole and exclusive control, and the States could not, without violating the Constitution, interpose their authority to check or in any manner counteract its movements so long as they were confined to its proper sphere; so also, it was further declared, the peculiar and local powers reserved to the States were subject to their exclusive control, nor could the general government interfere with them without on its part also violating the Constitution. But in a colloquy between

Colloquy between Calhoun and Rives.

Calhoun and Rives the former declared that various Senators had misapprehended his views. He had contended that if a State should resume the powers granted to the general government such resumption would be only a breach of contract for which the State as a community, and not its citizens individually, would be responsible. To this Rives replied immediately that if it be admitted that an attempt on the part of a State to resume the powers granted by it and the other States to the general government would be a breach of compact, then it necessarily followed that no State had a right under the Constitution to make such resumption. In respect to an unconstitutional act of a State, he asserted that it could not in any manner disturb the regular action of the government. The Constitution was not a mere league or treaty of alliance or confederation, but a government to the extent of its granted powers. The interposition of a State convention was of no more avail to arrest the execution of the laws of the United States than that of a State in her ordinary political capacity; which was apparent from the clause in the Constitution asserting the supremacy of the Constitution and laws made in pursuance thereof. He brushed away as he would have brushed a cobweb Tyler's distinction between a citizen of

the government of the United States and a citizen of the United States: "Who, sir, has ever seen a citizen of the government of Virginia?" He insisted that the relation of allegiance was not between citizen and government, but was between citizen and sovereign. The allegiance in this country was therefore due to the whole body of the community. Strong as he was in all this part of his contention, the real weakness of his position became apparent when he considered the security for State rights. He relied in the last resort on "the moral interposition of the States" and the admittedly extra-constitutional remedy—which he declared, however, to be "peaceful and complete"—of one-half of the States refusing to elect Senators.¹ He saw nothing in common between the Ohio and Virginia cases, but he was not disposed to moot those questions with the Senator from Kentucky, with whom he was disposed to co-operate in his effort to adjust a most distracting question. Rives did not concur in favoring the provisions of the bill for a military force "at the present moment." He agreed with a majority of those who had spoken that a new adjustment of the tariff was acknowledged by all to be necessary.

Rives says that allegiance is due to the whole body of the community.

Evening sessions were held at which the Force measure was considered. The provision for a floating custom-house, which Clay had characterized as ludicrous, was retained. Several amendments, offered by the friends of South Carolina, were rejected.²

On the 15th and 16th of February Calhoun spoke, using the whole of the former and a portion of the latter day.³ It was the speech of a great man, but not the great speech of a great man. Indeed, it must be said that it was a comparative failure, in form and substance, as a constitutional argument. The first part was a defence of South Carolina and of himself. It was too

February 15, 16.

¹ His single authority is, apparently, C. J. Marshall, in *Cohen v. Virginia*.

² Register of Debates, p. 519.

³ Ibid., pp. 519-553.

apologetic. So far as he answered arguments he directed his efforts towards a reply to the speeches of Clayton and Rives. He made a nearly satisfactory vindication of himself and his State from the charge of being responsible for the protective system. He examined the act of 1816 and declared that it was a tariff for revenue, but admitted that so far as "it introduced the obnoxious minimum principle" it was protective. But his account of its introduction was the weakest possible defence of his friends and of himself. How it was overlooked at the time, he averred, it was not in his power to say; and the only explanation he offered was that it was new, and he was then engaged in considering the currency question. His speech on that occasion, which he now defended, barring "some hasty and unguarded expressions," was termed "an impromptu." He assigned the same reasons for the tariff of 1816 that had been given previously in the other house by McDuffie and others and in the Senate by Hayne. He might well have been believed when he declared that "whatever support the State had given the bill had originated in the most disinterested motives." He also stated that he had opposed the restrictive measures of Mr. Madison, and reported from the Committee on Foreign Relations a bill to repeal the whole system. South Carolina had steadily protested from 1818 to 1828 through the Legislature against "further encroachments." On the passage of the act of 1828 she had fallen back on her reserved powers. She had been thoroughly instructed by men of the most commanding talents and acquirements. Throughout the discussion no address was made to the low and vulgar passions. He asserted that General Jackson had proved utterly false to their hopes. He attributed the policy pursued by the President to "the mischievous influence of a single individual" admitted to the cabinet. He repelled the charge in the President's proclamation, a charge which had been often made, that he (Calhoun) had been actuated in the part he had taken by disappointed ambition. He adduced his own conduct as Vice-President at the time of the passage of the

Calhoun's
speech a com-
parative fail-
ure.

bill of 1828 as a sufficient refutation of the charge of self-seeking. As to sovereignty and the nature of our government, he argued that the terms Union, federal, united, all imply a combination of sovereignties—a confederation of States. But his language here is not as clear as usual, for having spoken of a combination of sovereignties, he says that these terms were never applied to an association of individuals. Of course he does not refer to the smaller association which makes the State, but to the greater which makes the Union of States. He asks: "Who ever heard of the United States of New York, of Massachusetts, or of Virginia?" What he means by a combination of sovereignties is not such a combination as would make a unit, like Clayton's people of the United States, for he presently explains that sovereignty and power are different expressions and that the former resides alone in the individual States. He declares expressly that there is no divided sovereignty between the States severally and the United States. But a sovereign may delegate his powers. To surrender any portion of sovereignty is to annihilate the whole. Mr. Calhoun affirmed that the whole sovereignty was in the several States of the Union, and that the controversy was one between power and liberty. He thought that Rives and others who had professed the principles of '98 "had degraded them by explaining away their meaning and efficacy." The speech abounded in historical parallels. It was more a study of ideas of government than of government in the concrete. His whole theory of absolute and concurring majorities was built in the air. But his great earnestness, his broad notion of justice, his occasional flashes of an austere and characteristic eloquence, compel our admiration.¹

¹ Calhoun's eloquence was of the rock-ribbed kind. The following are specimens from this speech, which I regard as one of his weakest: He presents "the impious spectacle of this government, the creature of the States, making war against the power to which it owes its existence." Or, better: "It was said by the Senator from Tennessee [Mr. Grundy] to be a measure of peace. Yes, such peace as the wolf gives to the lamb; the kite to the dove: such peace as Russia gives to Poland, or death to its victim." *Register of Debates*, p. 536.

Webster's speech on the 16th of February was much stronger as an argument for the supremacy of the Union than his speeches in reply to Hayne, but was not so declamatory.¹ Rhetoric was subordinated to reasoning, but both were of the highest order.

Although he took the floor immediately upon the conclusion of Calhoun's argument, he did not reply technically, but nevertheless met the leading points of that speech and sought in an independent way to establish his own propositions. He accepted Calhoun's resolutions and his speech on the same and the one just made by the South Carolina Senator "as comprising the whole South Carolina doctrine."

Examining the first two of Calhoun's resolutions, he claimed that the word "Constitution" threatened his whole doctrine of compact. He said that Calhoun introduced a new word, and "degraded the Constitution into an insignificant, idle epithet, attached to compact." In his proudest manner he averred: "Sir, I must say to the honorable gentleman that in our American political grammar, 'Constitution' is a noun substantive; it imports a distinct and clear idea of itself; and it is not to lose its importance and dignity, it is not to be turned into a poor, ambiguous, senseless, unmeaning adjective for the purpose of accommodating any new set of political notions." He

claimed that Calhoun had used the word "accession—Secession." "ceded" as applied to the action of the States in ratifying the Constitution, because accession was the natural converse of secession, and it was desired to establish that doctrine. He objected to the use of unconstitutional language in explaining or declaring the import of the Constitution. But Webster proceeded to something better than verbal criticism. The people had ordained a constitution; could they reject it without revolution? The people had established a form of government; could they overthrow it without revolution? These, he declared, were the true questions. If one State might secede because an impost was laid, another

¹ Register of Debates, pp. 553-587.

might because it was not laid. Secessions might thus go on interminably. But these questions presupposed the breaking up of the government. Whilst the Constitution lasted they were repressed. "The Constitution," he said, "does not provide for events which must be preceded by its own destruction. Secession, therefore, since it Secession revolutionary. must bring these consequences with it, is revolutionary. And nullification is equally revolutionary. It strikes a deadly blow at the vital principle of the whole Union. Is it not anarchy as well as revolution? The alleged right of self-decision in a State leads necessarily to force, because different States will decide differently, and if there be no superior power the question at issue can be decided only by force." He summed the steps and consequences of nullification. "And now, sir," he proceeded to say, "against all these theories and opinions I maintain: 1. That the Constitution of the United States is not a league, confederation, or compact between the people of His four propositions. the several States in their sovereign capacities, but a government proper, founded on the adoption of the people and creating direct relations between itself and individuals. 2. That no State authority has power to dissolve these relations; that nothing can dissolve them but revolution; and that, consequently, there can be no such thing as secession without revolution. 3. That there is a supreme law, consisting of the Constitution of the United States, acts of Congress passed in furtherance of it, and treaties, and that in cases not capable of assuming the character of a suit in law or equity, Congress must judge of and finally interpret this supreme law so often as it has occasion to pass acts of legislation; and in cases capable of assuming, and actually assuming, the character of a suit, the Supreme Court of the United States is the final interpreter. 4. That an attempt by a State to abrogate, annul, or nullify an act of Congress, or to arrest its operation within her limits, on the ground that, in her opinion such law is unconstitutional, is a direct usurpation on the just powers of the general government and on the equal rights of other States; a plain violation of

the Constitution, and a proceeding essentially revolutionary in its character and tendency." The first pair of these resolves were negative, the second affirmative; and in such order was his argument throughout. Webster's tendency to verbal criticism, and consequently to narrow views, was as perceptible as Calhoun's to vague generalization in this discussion. Webster said that he differed not without diffidence and regret with Rives, and declared his respect for the school to which that gentleman belonged, concurred in its results, but must be permitted to hesitate about some of the premises of the doctrines. While he did not agree that in strictness of language the Constitution was a compact at all, he did agree that it was founded on consent or agreement or on compact, if the gentleman preferred that word, and meant no more by it than voluntary consent or agreement. When a people agreed to erect a government and actually erected it the thing was done, and the agreement was at an end. In the account which he gave of the formation of the government he said that there was no such thing as sovereignty of government known to this side of the Atlantic, in which opinion he appeared to concur with the views of John Taylor, of Caroline, in his work, "Construction Construed," rather than with the speakers on his own side of the debate upon the question under consideration. He contended that there was no language in the Constitution applicable to a confederation of States. Again he found himself in disagreement with some with whose general policy he concurred when he argued that the States could not omit to appoint Senators and electors. Webster insisted that the first resolution adopted by the Federal Convention, "That a national government ought to be established," etc., was substantially included in the revised form, "Government of the United States," and that the convention rejected compact, league, and confederation, and set themselves about framing the constitution of a national government. He averred that they accomplished what they undertook, the popular basis having been expressed in the

The Constitu-
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very words of the Constitution, "We, the people of the United States, do ordain and establish this Constitution." The States were established by the people of the States; this Constitution by the people of all the States. How could, he asked again, how could a State undo what a whole people had done? The whole question turned on the right of interpretation of the powers conferred in the Constitution. Alluding to Calhoun's doctrine of majorities, he said, "Whoever denounces the government of majorities denounces the government of his own country and denounces all free governments." And he asked, "How far does South Carolina respect the rights of minorities?" He held that while nullification was as distinctly revolutionary as secession, it did not seek a revolution of so respectable a character as the latter. On the rejection of the power to tax manufactures and establish public institutions of learning, he observed, "The convention supposed it had done enough (at any rate, it had done all it intended) when it had given to Congress in general terms the power to lay imposts and the power to regulate trade. Will gentlemen undertake to deny that [the First] Congress did act on the avowed principle of protection?" As if forgetful of his own attitude and that of Massachusetts prior to 1828, especially of his unanswerable speech of April, 1824, he boldly extended a challenge in these terms: "But, sir, I hold South Carolina to her ancient, her cool, her uninfluenced, her deliberate opinions." In his simple and beautiful peroration, which was free from the exaggeration which marked his more famous speech of 1830, Webster declared that "among the practical sentiments of this people the love of Union was still uppermost." With reference obviously to Clay's Compromise bill, he said that he relied on no temporary expedients. His closing words were, "I shall exert every faculty I possess in aiding to prevent the Constitution from being nullified, destroyed, or impaired; and even should I see it fall, I will still, with a voice, feeble perhaps, but earnest as ever issued from human lips, and with fidelity and zeal which nothing shall extinguish, call

on the people to come to its rescue." The press of the attendance on the floor and in the galleries and lobbies was great, and as he concluded there was a spontaneous burst of applause which caused the galleries to be cleared. The speech was not completed until eight o'clock at night.¹

The friends of nullification fought on the 18th of February, as they had done before, for further time. But the

administration party opposed the extension just as strenuously as they had hitherto done.² An

February 18.

amendment proposed by Forsyth and modified at Kane's suggestion, the purposes of which was to limit the existence of the entire act and not simply of the first and fifth sections to the end of the next session of Congress, and limiting all suits under the act pending at the time of its expiration, was rejected. Calhoun voted for, Clay and Webster against this amendment. Poindexter attempted to make a diversion by proposing a new section, providing an appropriation (left blank) for carrying out the purposes of the measure. Grundy objected that no money was wanted, which caused Calhoun to express his surprise. Grundy retorted that the Senator was more competent than any other person to determine whether or not there would be any necessity for the employment of force. In rejoinder the South Carolina Senator said that the whole business indicated an unsoundness of legislation. He was amazed at the course which had been taken. There would be no collision unless it proceeded from the conduct of the general government. The yeas on Poindexter's motion were only five—Bibb, Calhoun, Mangum, Moore, and Poindexter.³ A subsequent motion by Bibb to limit

Expenses of the
Force bill.

the expenses to three millions of dollars was rejected by a vote of four to thirty-eight. The remainder of the day appears to have been consumed in a debate between Forsyth and Miller. Forsyth, although a man of more ability, maintained himself, if at all, with difficulty. The Senator from Georgia said that nullification

¹ Register of Debates, p. 587.

² Ibid., p. 589.

³ Ibid., p. 592.

bore the appearance of sneaking into war. The Senator from South Carolina thought that the Senator's idea was purely original. "If," he remarked, "the gentleman from Georgia dislikes South Carolina nullification because it savors of sneaking into a fight, he must permit me to reply that I dislike Georgia nullification so far as it savored of sneaking out of a fight."

The Revenue Collection bill was read a third time and put upon its passage on the 19th of February. Poindexter made an extended speech, which was not con-

February 19.

cluded until the following day.¹ He argued that although the Constitution in some of its features might be executed by the popular will, the original character of the government was not thereby changed. He committed an error, avoided by his friends in the debate, when he assumed that because the machinery for setting up the Constitution was the con-

Debate on the passage of the bill.

federation and the States individually the completed work was not ratified by the people immediately. But the drift of his long argument, which was not very gracefully presented, was that the whole people as a mass did not adopt the Constitution. He drew, as others had done, upon the history of the government for examples of conflict between the State and federal powers. Among the authorities cited was Hamilton in the New York convention which ratified the Constitution, whom he quoted as saying that coercion was one of maddest projects that was ever devised.² Poindexter read the proceedings of the Congress and of public meetings to convict Webster of inconsistency on the subject of the tariff and the enforcement of measures deemed oppressive in New England. Among Webster's votes thus cited were those in the House of Representatives refusing supplies to carry on the war with Great Britain.³

On the last day of the debate in the Senate on this ques-

¹ Register of Debates, pp. 602-661.

² Ibid., p. 630 ; Hamilton's Works.

³ Ibid., p. 656.

tion Poindexter was followed by Grundy and Ewing.¹ The latter's was a very subtle argument. The people have the right to create or modify their government.

Ewing.

The right is put beyond cavil when the people, regularly convened, adopt the change. He did not object to the term compact; the Constitution was, indeed, a new social compact. But it did not follow that the parties to it had the right to violate or annul it. Sovereignty, in his view, was alienable and divisible. Calhoun proposed that the final vote should not be taken until next morning when the Senate would be full. All motions to adjourn, however, were withdrawn or voted down.² The bill passed

The Force bill passes the Senate.

by thirty-one yeas to one nay—Tyler. Reasons for absence assigned the next day on the application of Bibb for leave to record their votes showed great indifference or affected indifference on the part of the nullifiers and their friends.

Clay's tariff bill was reported from the select committee with amendments on the 21st of February. After a short

February 21.
Clay's tariff bill reported.

debate these amendments were agreed to upon Mr. Clay's suggestion.³ He explained the bill in reference to objections urged by Forsyth and Dickerson. Webster opposed both bill and amendments. In all the consideration of this measure from the first day there was grave difference, not only between its friends and avowed enemies, but between the two bodies of

Home valuation of imports.

its supporters, on the question of a home valuation of imports in the adjustment of duties.⁴ Clay admitted the impracticability of establishing the system at that time, but desired to have the principle acknowledged. The amendment providing for it was advocated by Clay, Holmes, Clayton, and Poindexter, and opposed by Smith, Forsyth, Calhoun, Dallas, Kane, Silsbee, and Tyler. The objections to the proposition were various: that it was incon-

¹ Register of Debates, pp. 661-676, 676-687.

² The last vote on adjournment showed the presence of five only of the enemies of the measure.

³ Register of Debates, p. 694.

⁴ *Ibid.*, *et seq.*

venient and unjust; that it prevented uniformity in the operation of the revenue laws as prescribed by the Constitution, and built up some ports at the expense of others.¹ Calhoun said that according to his present impressions he could not vote for the bill with this amendment in it. Clayton declared that he could not support the bill without the amendment.² He observed that he voted for the measure on the ground that it might save South Carolina from herself. But Calhoun hoped that the gentleman would not touch that question. He entreated him to believe that South Carolina had no fears for herself. She sought not to relieve herself only, but the whole nation, from oppressive legislation. Again he averred that it was not his wish that there should be a feeling of victory on either side.³ Clayton showed a disposition to table the bill for the time being, announcing his disbelief that it would pass in the seven days remaining of the session. But Clay and Poindexter expressed the hope that the measure would not be defeated upon speculative points and by numerous amendments and debate thereon. Moore's amendment—a proviso "that no valuation be adopted that will operate unequally in different ports of the United States"—was advocated by Black, Calhoun, Moore, and Forsyth, and opposed by Holmes. The debate was resumed on this point on the 22d of February. Hill fought the bill, with or without amendment. Smith said that there was no reason to suppose that it would satisfy South Carolina, but somewhat inconsistently added that she would not be satisfied with it unless she had discovered that she had gone too far, and wished to retrace her steps.⁴ Notwithstanding the predictions of the Senators from Kentucky and South Carolina, that the bill would be regarded as permanent, he predicted that the pressure would be so great on the next Congress it

Calhoun declares South Carolina has no fears for herself.

February 22.

¹ New York, according to some of the speakers, was the favored port under the operation of the principle.

² Register of Debates, p. 697.

³ Ibid., p. 700.

⁴ Ibid., p. 705.

would be compelled to revise it.¹ Wright did not consider the provision binding on future Congresses. But this was not his only objection. Foreign valuation was preferable, because competition to reduce valuation, which would take place in various quarters, would result unfavorably to manufacturers by causing the price of home manufactures to fall.² Webster contended that home valuation to any extent was impracticable. He favored specific duties. Clayton insisted that home valuation was not only practicable, but highly important. Webster claimed that the practice of laying a general *ad valorem* valuation was unprecedented. Clayton argued that goods would go where the price was the highest and where the government would derive most from the sale.

Amendments
rejected.

Moore's amendment was rejected.³ Dickerson's amendment, which was to leave the details of the home valuation of imports to the President and Secretary of the Treasury, was generally opposed, and lost without division.⁴ Upon Clay's amendment Benton observed that it would destroy the effect and turn into a mere illusion the ultimate reduction to twenty per cent. as proposed in the bill. It would be also almost fatal to Southern ports. It would create additional expense, confer patronage, beget rivalries between importing cities, and injure merchants by the detention and handling of their goods.⁵ An amendment by Robbins providing that if the home valuation regulation should not be established by Congress on or before 1842 the bill should cease to have effect, and be superseded by the tariff of 1832, was rejected without a division. As the question upon

Calhoun states
his reasons for
voting for
Clay's amend-
ment.

Clay's amendment was about to be taken Calhoun remarked that it became necessary for him to determine⁶ whether he should vote for or against it. He must be permitted again to express his regret that the Senator had thought proper to move it. His objection still remains strong against it, but

¹ Register of Debates, p. 707.

² Ibid., p. 709.

³ Ibid., p. 711.

⁴ Ibid.

⁵ Ibid., p. 715.

⁶ That is, to re-determine.

as it seemed to be conceded on all hands that the fate of the measure depended on the fate of the amendment, feeling as he did a satisfaction to see the question terminated, he had made up his mind, not, however, without much hesitation, not to interpose his vote against the adoption of the amendment. But in voting for it he wished it distinctly to be understood that he did it upon two considerations: first, that no valuation would be adopted that should come in conflict with the provision in the Constitution which declares that duties, excises, and imposts shall be uniform; and in the next place, that none would be adopted which would make the duties themselves a part of the element of a home valuation. He felt justified in concluding that neither would be adopted, as the one came in conflict with a provision of the Constitution and the other would involve the glaring absurdity of imposing duties on duties. He said that he wished the reporters for the press to notice particularly what he was saying, as he intended his declaration to be part of the proceedings. Believing then, for the reasons which he had stated, that it was not contemplated that any regulation of the home valuation should come in conflict with the provisions of the Constitution which he had cited, nor involve the absurdity of laying taxes upon taxes, he had made up his mind to vote in favor of the amendment.¹ Smith remarked that any declaration of views and motives under which any individual Senator might vote would have no influence in 1842. They would be forgotten long before that time arrived. The law must rest upon the interpretation of its words alone. Calhoun replied that he could not help that. He should endeavor to do his duty. Clayton observed that there was certainly no ambiguity in the phraseology of the amendment. The home valuation amendment proposed by Mr. Clay was then adopted by the subjoined vote: Yeas—Bell, Bibb, Black, Calhoun, Chambers, Clay, Clayton, Ewing, Foot, Frelinghuysen, Hill, Holmes, Johnston, King, Knight, Miller, Moore, Naudain, Poindexter,

¹ Register of Debates, p. 716.

Prentiss, Rives, Robbins, Sprague, Tomlinson, Tyler, Wilkins, twenty-six; nays—Benton, Buckner, Dallas, Dickerson, Dudley, Forsyth, Grundy, Kane, Robinson, Seymour, Silsbee, Smith, Waggaman, Webster, White, Wright, sixteen.¹

This was the test vote on the Compromise measure, and afterwards the contest was simply to make a consistent record. The coalition between the great leaders

Test vote.
The coalition
triumphant.

of protection and anti-protection was complete and victorious. The one was actuated, or pro-

fessed to be actuated, by the fear that otherwise the principle of protection was lost; the other was moved by the peril of his situation and by the prospect of a practical triumph over his hated rival, the President. Loftier motives undoubtedly influenced both Clay and Calhoun. The measure was one of conciliation. It was offered by the only

Motives of Clay
and Calhoun.

actor in these events who had the power to make his tender of the olive branch acceptable. It

was accepted because it could with dignity be accepted by men who were too haughty to recede before menace and too conscious of the substantial justice of their cause, however it might appear to others, to be willing to barter it for anything less than a great part of that for which they had so many years contended. On the one side were arrayed the Jackson, or, as it began to be called, the Democratic, party and a certain portion of the National Republicans, soon to be called Whigs; on the other, the majority of the National Republicans under their trusted leader, the nullifiers and their State rights friends, and three or four of the Administration Senators. The Union at any cost was the principle of action of the former; the Union by conciliation was the doctrine of the latter. As the Union had before been saved in peace, so now it was to be preserved, and the same commanding but flexible figure of grace and magnetism was to be the *Salvator Patriæ*.

A debate began on the 22d and was continued on the 23d of February on Smith's motion, suggested by Tyler, to ex-

¹ Register of Debates, p. 716; Senate Journal, p. 204.

punge the part of the bill which increased duties on plains, kerseys, and kendal cottons. Incidentally connected with this was the question of the power of the Senate to originate bills professedly to reduce revenue, but containing a feature that would increase it as to one item. Smith modified his motion so as to strike out the whole second section which contained the provision. Benton said that the American system, as a whole, would be given up in 1842.¹ Webster contended against Clayton that this was a revenue measure and could not originate in the Senate. Clay and Clayton averred that the Senate had again and again decided that it could originate such bills. Webster declared that he would go as far as any man for conciliation on proper principles. The other side, he showed, were impelled by different reasons in supporting the bill; one because it secured protection, another because it destroyed protection.² In reply, Clay remarked that the Senator from Massachusetts opposed this proposition of peace and harmony and wished to send forth the menace of force alone. "The gentleman," retorted Webster, "has no authority for making that assertion." While in one portion of his remarks Clay affirmed that his purpose was double, to secure protection and to conciliate the South, in another place he observed that his object was "protection and protection alone." He favored a gradual reduction. Again he said that he had been anxious to abolish duties on raw cotton that he might bring the South to Congress to ask for protection. He himself stood on the same ground of protection on which he had always stood. He averred that he deeply regretted the course of Webster, "who had opposed everything and proposed nothing."³ In his rejoinder Webster called attention to his resolutions, offered some time before. The motion to strike out the second section of the bill was lost,—ayes, fourteen; noes, twenty-nine. By nearly the same vote Smith's amendment to Kane's amendment, the effect of which motions was to provide that nothing in the act should be construed to extend to existing duties on

¹ Register of Debates, p. 721. ² Ibid., p. 723. ³ Ibid., p. 724.

lead in pigs, bars, or shorts, leaden shot, bar iron, castings, cannon, shells, gunpowder, and certain other articles, was re-rejected, and the original amendment itself was negatived.¹ The motion of Forsyth to strike out the third and sixth sections, which were intended to bind future Congresses, was lost by a vote of thirteen to twenty-eight. On these questions Webster voted with Benton and the other Senators of the Jackson party. The nullifiers and their friends, the bulk of the National Republicans, and one or two of the Administration Senators constituted the negative majority. Benton's motion for a reduction of the drawback on exported articles manufactured in the United States from foreign materials subject to duty in the same proportion as the reduction in the bill was lost after discussion. The effort of Wright to restore the duty on wool costing less than eight cents at the place of exportation to the rate of 1828, the purpose having been to accompany the change of the tariff on woollen goods, was abortive. The proposition received only seven votes, one of which was Webster's.²

Prolonged discussion took place on the amendment, which provided that after 1842 such duties should be levied as an economical expenditure might require.

After 1842.

It was contended by the Senators in opposition that these words, although not so intended, would be construed by Southern gentlemen in 1842 as an abandonment of the protective policy. Clay and Clayton regarded the words as authorizing no such construction, and denied that any one would be justified in inferring that there would be an abandonment of the system of protection. Forsyth thought that the clause was an absurdity on which an argument either for or against protection might be erected; but as among the many absurdities in the bill it was the only one agreeable to him, he would vote for it. A motion to strike the words out was lost by a vote of fourteen to twenty-two. The bill then came up on its third reading.³

On the 25th of February Webster occupied the floor.

¹ Register of Debates, p. 724.

² *Ibid.*, p. 726.

³ *Ibid.*

Both he and Clay, who followed, began their remarks by personal compliments to each other. Webster also praised the character, zeal, and services of Calhoun. He opposed the bill because it imposed a restriction upon future legislation, and because it seemed to yield the constitutional power of protection. The Southern politicians were masters of the game, and they knew it. He viewed the bill as a surrender of all the interests of the smaller capitalists and a concession in favor of overgrown monopolists.¹ He thought that his constituents would excuse him for surrendering their interests, but they would not forgive him for a violation of the Constitution.² In his reply to Webster, Clay said that the measure was a compromise, but it imposed and could impose no restriction upon the will or power of a future Congress. It was declared to be far from the purpose of those who supported the bill to abandon or surrender the policy of protecting American industry. The expected plethoric condition of the Treasury had impressed every public man with the necessity of some modification of the principle of protection, so far as it depended on high duties. He defined the difference between the bill and Webster's resolutions as consisting in the fact that the former prescribed a limit for discrimination, while the resolutions of the Senator from Massachusetts laid down no such limit. He repeated his twofold reasons for introducing the measure, and outlined the dangers to which he thought the tariff was exposed. A majority of the adverse party were hostile to it. Protection would lose three members in the Senate, and was not sure of gaining one. There was a considerable accession to the other party in the House. Two New England States had changed recently against the system, and other States North and East were showing remarkable indifference. Discontents, coextensive with the entire South and extending to the North, were multiplying. Judging, he said, from appearances, protection would be in the minority at

¹ Register of Debates, p. 728.

² Ibid., p. 729.

the next session. He appealed to Webster to show how the tariff was to be saved against "this united and irresistible force." There was some reason for believing that twenty per cent. might be sufficient protection after 1842. He and Clayton, he stated, had been out-voted in the committee on the proposition to withdraw protection from cotton.¹ Since the passage of the Force bill some measure of conciliation was necessary. He answered the charge that he had been actuated in the matter by ambition by the assertion that if he had thought only of himself he would never have introduced the bill.²

On the next day the Senate considered Calhoun's resolutions on the nature and powers of the federal government.

February 26.
Great argument by Calhoun in support of his resolutions.

In support of them their author made an incomparable argument. He was upon his favorite ground. The subject was one upon which he was perhaps more thoroughly prepared to speak than any other man living. The time, too, was well chosen. He was vindicating his own and his State's opinions, not as one who looks in dismay for defeat and disgrace, but as one who is already assured of substantial victory. For the first half of the speech the chain of reasoning seems absolutely unassailable, conceding his premises. In the latter portion two or three positions are assumed which are not strictly in accordance with the settled principles of any school, and which he does not succeed in maintaining. But altogether this must be considered, if judged by any correct standard of criticism, to be the most powerful speech he had made up to that time.³ In the outset he complained of Webster for giving the discussion a personal direction, but did not complain of him for replying to the resolutions in a speech on the Force bill, the

¹ Register of Debates, p. 737.

² For this speech see Register of Debates, pp. 729-742. The debate was continued by others. The reporter collated several of Mr. Clay's speeches on the subject with the one under consideration. See, also, Clay's Speeches, edited by Greeley, vol ii. pp. 139, 157.

³ Register of Debates, pp. 750-774; also Works of Calhoun, ii. 262.

resolutions having been laid aside. Webster was right in directing his argument exclusively against the first resolution. The Senator from Massachusetts having denied to him the right to use the expression "constitutional compact," he read a whole passage from the speech of that Senator, delivered on the 26th of January, 1830, wherein the expression occurred. The Constitution itself was spoken of in that speech as a compact.¹ But Calhoun modified his resolution so as to make it accord with Webster's suggestion: "*Resolved*, That the people of the United States are united as parties to a compact under the title of the Constitution of the United States, which the people of each State ratified," etc., the words "constitutional compact" and "accede" having been omitted. "For my part, with my poor powers of conception," he observed when he had done this, "I cannot perceive the slightest difference between the resolution as first introduced and as it is proposed to be amended in conformity to the views of the Senator." Having disposed of Webster's verbal criticism, he passed to the consideration of that gentleman's assault of "the very horn of the citadel of State rights." "The Senator clearly perceived," he said, "that if the Constitution be a compact, it was impossible to deny the assertions contained in the resolution, or to resist the consequences which I had drawn from them, and accordingly he directed his whole fire against that point; but after so vast an expenditure of ammunition not the slightest impression, so far as I can perceive, has been made." After examination of the notes which he had made of the Senator's speech, he was at a loss to know whether in the opinion of the Senator our Constitution was a compact or not, though almost the entire argument was directed to that point. Calhoun collated sentences showing that it was the purpose to prove a government, not a compact, and the right of secession if the

¹ Still more unequivocally, Webster, in his great speech of 1850 on the Constitution and the Union, employs the phrase "the compact of the Constitution."

latter. Webster had also said that it was a constitution, not a compact, and that the Constitution rested on compact, but was not a compact itself. In discussing the prohibitions by the Constitution on the States, Webster had observed that the language used was that of a superior to an inferior, and therefore not the language of a compact, which implies the equality of the parties. As a proof, Webster had cited the several provisions that no State shall enter into treaties of alliance and confederation, lay imposts, etc., without the consent of Congress. Calhoun showed that if Webster had turned to the articles of confederation, which he acknowledged to have been a compact, he would have found that the Constitution borrowed those very prohibitory provisions from that instrument. If he had extended his researches, he would have found that it was the habitual language used in treaties whenever a stipulation was made against the performance of any act. He cited Jay's treaty of 1793 with Great Britain, in which the very language used in the Constitution was employed. He averred that Webster had asked, with an air of triumph, Where are the evidences of stipulation? The State ratifications cited by the Senator on the occasion contained stipulations. In reply to the denial that there were stipulations in the Constitution, he declared that that instrument was "a mass of stipulation." Calhoun continued: "What is that but a stipulation to which the Senator refers when he states in the course of his argument that each State had agreed to participate in the sovereignty of the others?" Again: "He asked, with a marked emphasis, 'Can a compact be the supreme law of the land?' I ask in return whether treaties are not compacts, and whether treaties as well as the Constitution are not declared to be the supreme law of the land?" Calhoun does not object to Webster's definition of the Constitution as a fundamental law, though he said a more appropriate one, better adapted to American ideas, could be given. But he held the opinion, which Webster had rejected, that the fundamental law might be a compact. He quoted to sustain his position from Burlamaqui, Magna Charta, and the reso-

lution of the House of Commons in 1688, which latter declared the throne abdicated by James II., he having broken the original contract between the king and the people. Calhoun then asked: "But why should I refer to writers on the subject of government or enquire into the constitution of foreign states, when there are such decisive proofs that our Constitution is a compact? On this point the Senator is estopped. I borrow from the gentleman and thank him for the word. His adopted State, which he so ably represents on this floor, and his native State (the States of Massachusetts and New Hampshire) both declared in their ratification of the Constitution that it was a compact." He quoted these ratifications, and proceeded to consider the resolutions of the Virginia Legislature in 1798, and the responses of Massachusetts and other States. In the cases of Delaware, New York, Connecticut, New Hampshire, and Vermont the replies, he assumed, gave countenance to the doctrine by silence on that head. One of the utterances of Massachusetts, however, was very explicit: "That the people in that solemn compact which is declared to be the supreme law of the land," etc. Webster had said that the Constitution was not a compact because it was a government. "I would ask the Senator," observed Calhoun, "whoever considered a government when spoken of as the agent to execute the powers of the Constitution as distinct from the Constitution itself as a compact? In that light it would be a perfect absurdity." He was uncertain of the meaning of the Senator from Massachusetts in that part of his argument where he asserted that the government was founded on compact, but was no longer a compact. "If he meant, as I presume he did, that the compact is an executed and not an executory one; that its object was to create a government and to invest it with a proper authority; and that having executed this office, it had performed its functions and with it had ceased to exist, then we have the extraordinary avowal that the Constitution is a dead letter,—that it has ceased to have any binding effect, or any practical influence or operation.

I had thought that the Constitution was to endure forever." The steps of State independence up to ratification, he affirmed, "formed a body of facts too clear to be denied and too strong to be resisted." It would be a great change if ratification converted the American people into one people, at least to the extent of the delegated powers. With the exception of the words in the preamble, the Senator had not pointed out a single indication in the Constitution of the great change which he conceived had been effected in this respect. Calhoun contended that these words in the preamble, "We the people of the United States," were at least as applicable to his own view as to that of the Senator from Massachusetts. Whatever might be the future meaning of this expression, it was not applicable to the condition of the States as they existed under the Constitution, but as it was under the old confederation. The Constitution had not yet been adopted, and the States in ordaining it could only speak of themselves in the condition in which they then existed, and not in that in which they would exist under the Constitution. But he did not intend to leave this important point, the last refuge of those who advocated consolidation, even on this conclusive argument. He went to the Constitution itself, and quoted the VIIth article, where ratification by nine States was declared to be sufficient to establish the Constitution "between the States so ratifying the same." He said further that an argument not much less powerful, but of a different character, could be drawn from the reserved powers to "the States" in the Xth amendment.

From "these established facts" Calhoun deduced the consequences that ours was a federal system, a system of States arranged in a federal union, and each retaining its distinct existence and sovereignty. He declared that our government had every attribute belonging to a federal system. It was founded on compact; it was formed by sovereign communities; and was binding between them in their sovereign capacities. The present Constitution was the act of States themselves, or, what was the same

Deductions.

thing, of the people of the several States, and formed a union of them as sovereign communities. He argued that there was no more reason why a federal union should blend into a mass than there would be if the parts were governments rather than people. Indeed, Calhoun went to the verge of his argument, if he did not go further, when he assumed that the old confederation was not a constitution or government. This he said was due to the difference of origin,—the one from the governments of States, the other from the people. “According to our American conception, the people alone can form constitutions or governments, and not their agents.”¹

Where does sovereignty reside? He answered: In the federal system, in the parts, not the whole. Ours, he defined, was a government of twenty-four sovereignties, united by constitutional compact, for the purpose of exercising certain powers through a common government as their joint agent, and not a union of twenty-four sovereignties into one, which would be a consolidation. Modifications in the conditions of States were modifications of powers exercised, not of the sovereignty itself. The provision as to change of the Constitution by three-fourths of the States furnished strong evidence that the sovereignty was in the States severally. It followed that the allegiance of the people was to their several States, and that treason consisted in resistance to the joint authority of the States united, and not, as had been contended, to the government of the United States, which had only the right of punishing. He said that these conclusions showed that the States could violate no law; that the worst that could be imputed to them was a violation of compact, for which they and not their citizens were responsible.² The system comprehended

In the federal system sovereignty resides in the parts and not the whole.

Allegiance.

¹ The American conception since the Constitution went into operation.

² He does not make sufficiently clear in this place that it is individual citizens whom he intends, and not the body of citizens acting in a sovereign capacity. According to his theory, the States and the people of the States were synonymous expressions in the sense here referred to.

but one government properly considered, the general and State government being distinct in operation but forming parts of an entire system of which the State was the basis. He met Webster's argument that a government had a right to judge of its powers in this manner: Admit it, and how would he withhold from the State governments the right of judging which he has attributed to the general government? The Senator from Massachusetts felt the force of this argument and fell back on the clause in the Constitution which declared the Constitution and laws made in pursuance thereof the supreme law of the land. Calhoun said that no one had ever denied this. But it was equally undeniable that laws not so made were of no authority whatever, being of themselves null and void. The Senator from Massachusetts saw this difficulty also, and attempted to meet it by setting up the right of judgment on the part of Congress and the Supreme Court. Having quoted Webster's language on this head, he pronounced it to be "vague and loose phraseology." Calhoun asked: "On what principle would he confer this extensive power on the legislature and judiciary, and not on the executive?" He also desired to know on what principle it was to be withheld from the State governments. He would not repeat the argument made on another occasion to sustain the right of the State governments, but he quoted Virginia's ratification of the Constitution, which asserted the right to resume the powers granted in the Constitution if they were abused. Webster had quoted Madison in the *Federalist* in favor of the opposite doctrine. Calhoun brought out Madison's later view in the Virginia Report of 1799. The South Carolina Senator is hardly perspicuous in his statement of the State veto power. He never had a correct view of the subject, it would appear from a perusal of his doctrine as stated in earlier and later speeches and his treatise on the Government. In conclusion he replied to various arguments employed by Webster. Calhoun admired the courage and gallantry of the Senator, but said that he would find spirits as gallant as his own. The Force bill was more dangerous to liberty than the tariff.

With high prescience he expressed his amazement at Forsyth's ominous reference to the provision of the Constitution which guaranteed republican government to the States; he had supposed that every Southern Senator at least would have been awake to the danger which menaced us from that new quarter. Now, he declared, no hostile feelings combined with political considerations on this delicate subject in any section. But it required no stretch of the imagination to see the danger which one day must come, if not vigilantly watched.

Webster replied briefly and inconclusively. Having reiterated his views, he said he hoped it was not possible that he should be influenced in support or opposition of important measures by the purpose, ascribed to him by Calhoun, of obtaining favor in any quarter by hostility to that gentleman. He expressed his respect for Calhoun and averred that their private intercourse had been one of amity and kindness. At this point the Senator from South Carolina arose and declared that these remarks were such as he himself had intended to make. Webster explained his use of the phraseology, "constitutional compact," in 1830. He was then speaking of one part of the agreement on which the Constitution was founded, namely, the agreement that the slave-holding States should possess more than an equal proportion of Representatives. There was propriety perhaps in calling North Carolina's adoption of the Constitution an accession, because she had not come into the new, the old Union having been broken up. He, however, stood obstinately by his claim that "accede" was a term unknown to all the ratifications and to the Constitution itself. He contended that Calhoun's changes in his first resolution were merely verbal. "Let him say nothing of compact, because the people said nothing of it." He asserted that Calhoun had been mistaken from the ground which he said Calhoun had taken, that the people could make but one government, and that they had not united in establishing a constitution connecting them together as individuals under one government.

Webster's
reply.

The VIIth article had no bearing on the question at issue; for the word "States" there meant "the people of the States," and he insisted that ours was a government and not a league of independent States.¹

Sprague admitted that the States adopted the Constitution as independent communities, but denied the doctrine that sovereignty was inalienable. He said that the whole history of the human race falsified that assumption.² Forsyth is represented as saying that by the Constitution the people had surrendered their sovereignty with the exception of equality of representation in the House.³

Grundy refused to withdraw his resolutions in amendment, and Calhoun, not desiring in the temper of the Senate at the time to have other resolutions preferred to his own, stated that he would not call for a vote. Grundy's substitute would have been voted on first. On motion of Forsyth the resolutions were laid on the table.⁴

It is time we were attending to the proceedings of this eventful session in the House of Representatives. A bill introduced on the 27th of December, 1832, by Verplanck, of New York, chairman of the Committee on Ways and Means, was reported by him on the day following. The President's message, so far as it related to the subject of the tariff, had been referred to this committee on the 10th of December. And as this topic and that of the conduct of affairs in South Carolina were intimately connected, it must be stated here that on the same day on which the tariff bill of Mr. Verplanck was introduced the House refused by a vote of one hundred and six to sixty-five to consider a resolution of request offered by Adams calling upon the President to furnish to the House a copy of his proclamation of the 10th of

¹ Register of Debates, pp. 774-777. This speech is not found in the large Boston edition of Webster's Works.

² But the only instance mentioned by him (Coblentz) was not in point, for it was not an independent State. Register of Debates, p. 780.

³ Ibid., p. 784.

⁴ Ibid., p. 785.

December and of the ordinance of the South Carolina convention to which it referred.¹ After considerable opposition from the protectionists the House decided on the 7th of January to take up the tariff bill at one o'clock each day for consideration.² A bill for the remission of certain duties to importers who complained of surprise in the passage of the last tariff act was reported from the Committee on Commerce and debated on the 3d and 7th of January, 1833.³ Burges, of Rhode Island, introduced a resolution providing for a committee of one from each State to enquire into and report on the amount of money paid by each State on imports, on home manufactures exported, tonnage, postage, distilled spirits, and other articles. The resolution embraced a large number of particulars.⁴ The tariff bill was then considered by a vote of ninety-four to seventy-eight.⁵ Verplanck explained the provisions of the measure, after a few remarks to the effect that the wisdom or justice of tariff laws since the war was not to be a subject of enquiry. An honorable and gratifying duty was to be entered upon, that of a reduction of the taxes. The debt had been extinguished under the operation of the tariff acts he had referred to. He said: "Let us be grateful for the past." He concluded with a suggestion that thirteen millions of revenue might be dispensed with, and that Congress would not be justifiable in retaining more than fifteen millions as a permanent revenue.⁶ In the course of the discussion which followed on subsequent days it was objected that the measure was premature and pressed too urgently;⁷ that it was a perversion of terms to call it a gradual reduction; that the recent reduction was yet an untried experiment; that goods would be poured in from abroad to the injury of home manufactures; that two and a half millions from public lands was

1833, January 7.
The Verplanck
tariff bill.

¹ Register of Debates, pp. 822, 916.

² Ibid., pp. 835, 944, 952.

³ Ibid., p. 958. The main provisions of this bill will appear in the statement of the debate.

⁴ Ibid., p. 962, *et seq.*

⁵ Ibid., p. 948, *et seq.*

⁶ Ibid., p. 956.

⁷ Ibid., pp. 964, 973.

not to be relied upon; ¹ that the committee had reduced the revenue by other provisions below the wants of the government and were obliged to supply the deficiency by duties on coffee, tea, and silk; that of the Secretary's alleged surplus on the 1st of January of \$1,600,000, \$700,000 was a trust fund to be paid to be claimants under Danish spoliations, as it was money received from Denmark for that purpose, and was in no sense government funds; ² that the proposed measure was in itself partial, unjust, and inequitable in its bearing on the diversified interests affected by it; ³ that in the midst of the uncertainties thrown around the subject by the differences between the plans of the Secretary of the Treasury and the Committee of Ways and Means, no legislation was called for, and finally that it was the play of children to pass a law at one session and before it had gone into operation or an experiment could be made of its effects to enact another.⁴ Besides these and like arguments Dearborn treated of nullification, which he pronounced to be high treason; and several speakers assumed that the bill would not satisfy South Carolina.⁵ Choate asserted the constitutional power to levy duties beyond the revenue limit. But he admitted that the public temper was against such an assertion of power. A favorite argument was that all revenue should come from imposts and none from the public lands.⁶ Choate said that the Southern States had not at any time paid a fair, constitutional portion of the taxes. At

length, on the 15th of January, the first speech in support of Verplanck was heard. It was by Gilmore, of Pennsylvania, a member of the Ways and Means Committee.⁷

The House refused by a very large majority to consider Stewart's resolution providing for the distribution of the surplus among the States according to representation, after the payment of the public debt. The resolution also provided that half of the

The House rejects Stewart's surplus resolution.

¹ Register of Debates, p. 969.

² Ibid., p. 979.

³ Ibid., p. 982.

⁴ Ibid., p. 997.

⁵ Ibid., pp. 1051, 1057, and other places.

⁶ Ibid., p. 1067.

⁷ Ibid., p. 1087.

amount should go to works of internal improvement, and the other to general education.¹

The President furnished copies of the nullification ordinance and other papers, accompanied by a message. The opposition desired to postpone all consideration, but the President's friends, being in a majority, secured a reference of the matter to the Judiciary Committee.²

Two resolutions offered by ex-President Adams provided (1) that the Secretary of the Treasury be requested to report to the House a list of articles upon which the reduction of six millions might be made for the most part upon those denominated protected, without prejudice to the reasonable claims of existing establishments; and (2) that the President be requested to communicate a list of articles which are indispensable to our safety in time of war and to which it was stated in his message that the policy of protection must ultimately be limited.³ These resolutions were debated one hour every day until the 24th of January, when they were tabled.

On the 17th of January, when the tariff bill was resumed, Root, of New York, declared that South Carolina would not insist that no recognition of the protective principle should find place in the measure. It was not secession to declare a pretended act of Congress no law. Under the Constitution he thought that every State must give its assent to the secession of a State. But South Carolina was not acting a traitorous part; while the principles of the President's message had always seemed to him and the party with which he had acted as heterodox. Nullification could not apply to the revenue laws, because those laws had always from the beginning of the government been constitutional.⁴ In his second speech Verplanck showed that there were always between three and five millions of appropriations not actually chargeable upon

Resolutions by
ex-President
Adams.

January 17.
The tariff bill.

Root.

¹ Register of Debates, p. 1054.

² Ibid., p. 1082.

³ Ibid., pp. 1090-1273. The discussion was chiefly between Adams and Hoffman.

⁴ Ibid., pp. 1103-1115, 1121.

the income received during the next year. Reproached with having been intimidated, he repudiated for himself and his committee colleagues with indignation any such thought, but admitted that he might be influenced by fears for the public peace,—fears not of any present danger, but for the permanent stability of the Constitution. “Because we may have a giant’s strength,” he enquired, “does it become us to use it like a giant?”¹ In a friendly manner Jenifer, of

Jenifer. Maryland, pointed out the demerits of the bill.

He favored *ad valorem* duties. He would strike out the duties on sugar and coffee and reduce those on iron.² Denny, of Pennsylvania, said that the price of iron was half what it was in 1818.³ He argued conversely to those who had urged reduction that protection was necessary to save the Union.⁴ As the debate advanced White, of Louisiana, contended for a sugar duty increased to two and a half cents. So far nearly all the speaking had been done by the protectionists. Polk gave as a reason that his colleagues on

Polk. the Ways and Means Committee had refrained because of the shortness of the session and the desire not to have the bill defeated by delay. He examined

the collection of facts made and transmitted by the Secretary of the Treasury, a part of which was in manuscript. He sought to establish from this report by the testimony of manufacturers themselves that no disastrous fate would befall them under the operations of the bill.⁵ On the

Reed. other side, Reed, of Massachusetts, stated that only one of many volumes of this evidence had been printed. The whale fisheries were not protected by the bill, although three hundred ships of the best quality and seven

¹ Register of Debates, p. 1130.

² *Ibid.*, p. 1139.

³ *Ibid.*, p. 1147.

⁴ *Ibid.*, p. 1155.

⁵ *Ibid.*, p. 1163. The Vermont wool factories made from twelve to forty per cent., the iron foundries from twenty to forty. Many of the Massachusetts woollen manufacturers refused to state their profits. Woollen and cotton factories in New York and Pennsylvania showed profits of more than fourteen per cent. for the former and above twelve per cent. for the latter. Most of the testimony was favorable to a reduction of duties as proposed.—Register of Debates, p. 1163, *et seq.*

thousand seamen were engaged in it.¹ Appleton, of the same State, remarked that "no friend of South Carolina would wish to see her satisfied with the bill.

Appleton.

The world would say that she had been bragging high; her object was filthy lucre."² Some of the debaters discussed the public lands and internal improvement questions. Wilde, of Georgia, in the course of an elegant and impassioned speech, said sarcastically that the merits of the controversy were best summed up

Wilde.

by the pithy saying of an Eastern manufacturer: "Of what use is the Union without the tariff?" He claimed that the object of the protectionists was to make tea and coffee free in order to place prohibitory duties on wool, woollens, and cottons. The measure would be lost by carrying out the motion to exclude the two former articles.³ The President, he said, desired that the bill should pass, but the past conduct of the Vice-President was not free from ambiguity, and he warned that gentleman's friends that the best evidence of their sincerity would be their votes. Vinton, on the other side, insisted that slave labor was the most

Vinton.

favorable of any in the country.⁴ Facing the argument that the South became poorer and the North richer by the operation of the tariff, he found the explanation in the system of labor and investment in the latter which tended to accumulation, while, he averred, the South accumulated nothing.⁵ Congress would be disgraced and the nation dishonored if the bill were to pass while the South Carolina ordinance and address were unrecalled. The doctrines of nullification and secession, he declared, would be met at the point of the sword if attempted to

¹ Register of Debates, p. 1189.

² Ibid., p. 1224.

³ Ibid., p. 1253.

⁴ Ibid., p. 1277.

⁵ Vinton ignored the fact that before the tariff and for many years both in the colonial era and under the Union the South, or at least a part of it, outstripped the North in prosperity. It would seem that then the slave-owners did accumulate something. But Vinton admitted the apparent prosperity of the South, which he ascribed to primogeniture, neglecting to state what caused the prosperity after the laws of primogeniture had been repealed.—Register of Debates, p. 1282.

be carried out. He spoke in the same warlike vein at considerable length.¹ One sentence of this speech induced McDuffie, who had remained silent during the debate up to this point to exclaim, "Robespierre!" This was followed by slight hisses in various parts of the hall, and the Chair amid great sensation called for order. Carson, of North Carolina, made some excited remarks and was called to order by Watmough, of Pennsylvania, who in turn was admonished by the Chair.²

Great restlessness had marked the proceedings for several days. The enemies of the bill endeavored repeatedly to adjourn the House. The debate proceeded. Cambreleng thought that the committee's proposition was too large by two millions. He deprecated "geographical prejudices" and the substitution of passion and imagination for reason and judgment.³ But he also reproved the vindictive spirit exhibited by some gentlemen towards South Carolina. This able political economist said "that in taking an enlarged view of our finances, of our form of government, and of the object of the high duties we have imposed, we must be convinced that, whether wise or unwise, right or wrong, constitutional or unconstitutional, the benefits or injuries of high protecting duties cannot be common to all the States, and that we must return to imposts for revenue or abandon all hope of preserving the Union in harmony and prosperity."⁴ He averred that it was easy to avert the threatened calamities and put an end to the debates about secession and convention by revising the revenue laws with amity and justice and by adhering to the spirit as well as to the letter of the Constitution. These were New York's purposes.

Burges stated upon his own observation that the report of the Ways and Means Committee was an error in fixing 1799 as the date of the beginning of cotton manufactures

¹ Register of Debates, p. 1287.

³ This was in reply to Wilde.

² Ibid., p. 1291.

⁴ Register of Debates, p. 1346.

in New England: there were factories there in 1791.¹ He assigned as a cause of the fall in the price of cotton competition abroad. He presented a number of tables which showed that the profit of cotton manufactures in the United States was seven per cent. in 1830, a year of light importations; they also showed a profit of seven per cent. on woollen manufactures upon a capital of about \$58,000,000. In the former about 135,000 people of all ages and both sexes were employed; in the latter 297,000. Various other manufactures employed not less than 232,000 annually, with \$100,000,000 invested in capital. Wages equal to \$20,415,000 were earned yearly. He estimated that 2,872,000—"the vigor and strength of the nation," as he put it—were dependent on the system, and that their total capital was \$312,453,848.² But this was not the full extent of Mr. Burges's claim. He asserted that the system comprehended every class of labor and every source of wealth. He dated the protective system from the 4th of July, 1789, the time of the passage of the first revenue act under the new government.³ Against this great universality of interests he placed the planters of rice, cotton, and tobacco, whose numbers he estimated at 5000, employing 335,727 slaves; and only a fraction of these, he said, demanded entire abolition of the great national system of encouragement and protection. This system had enhanced the value of slaves from twenty to fifty per cent. The estimated value of the slaves was \$100,718,100. The Treasury reports of 1830 showed that the product of the three Southern staples exported was \$37,248,072; including sales in the domestic market, \$48,000,000. The capital of the planters was \$139,336,705. Against this he set up \$678,453,848, the capital of free white labor.⁴ Congress, he contended, dared not enact the bill, and he suggested to the planter that if the product of South Carolina slavery was reduced in price

Burges. Beginning of cotton manufactures in New England.

¹ Register of Debates, p. 1361.

³ Ibid., p. 1384.

² Ibid., p. 1374.

⁴ Ibid., p. 1388.

the master should diminish the task of the slave, spare the lash, reduce the quantity of cotton raised, and employ the slave labor in some other vocation. "Raise monuments," was his supercilious advice, "or after-generations may not know that you have existed. Let the little tyrants of these days . . . build pyramids of bricks and no longer toil to scale the highest heavens on bales of cotton."¹ The proposed abolition of the system of protection "was a horror, an outrage on reason, on morals, on liberty, on the Constitution itself;" and he declared that if it should be effected, "a people now the guardians of the world's freedom shall then be made the miserable panders of profit to the insatiable avarice of a base and vulgar despotism."²

The House debated a resolution offered by Appleton, directing the Secretary of the Treasury to communicate data to that body by which, taking an average of the importations for the last six years as a probable criterion of the ordinary importations for some years to come, the revenue from the customs at the rates of duty payable after the 3d of March next may be established at \$18,000,000 annually; also how far the duties payable after the 3d of March next fall short of or exceed the amount which would have been payable if the bill transmitted by the Secretary on the 27th of April last had become a law. Appleton himself could make the amount under the last year's bill only fifteen millions, whereas the Secretary had estimated it to be eighteen millions.³ The resolution was agreed to.⁴ Howard, of Maryland, who favored the bill before the House, also advocated the passage of the Force bill, and said that that was the view of Southern members generally, in which he differed with Wilde. He contended that there was no philosophy in taxing such rival interests as wool and the woollen manufacturers. In the course of an elegant speech, partly defensive of his action

¹ Register of Debates, p. 1385.

² Ibid., p. 1389.

³ Ibid., p. 1413.

⁴ Ibid., p. 1434.

as an anti-tariff man in voting for the bill of 1832, W. B. Shepard, of North Carolina, admitted as true Choate's statement that the Southern people in proportion to their wealth and population were non-consumers. He did not agree with McDuffie that the legislation of the country was hostile to the South.¹

Shepard's
admission.

On another day Pearce, of Rhode Island, bringing up the subject of the profitableness of manufacturing in New England, had read a statement showing that a factory at Scituate, in that State, had lost from 1806 to 1821 \$144,000, and if there was a profit afterwards of five per cent., as stated by the other side on the authority of one of the partners, the total loss was still \$85,000.² He claimed that Massachusetts and Rhode Island, the largest manufacturing States in the Union, owning more than half of the manufactories in the country, had lost more than they had made.

Pearce on New
England man-
ufactures.

On the 31st of January ex-President Adams averred that a motion by Wilde to reconsider the reference to the Ways and Means Committee of a memorial from Massachusetts asking for the passage of a bill in accordance with certain suggestions was an insult to that State.³ The discussion of this matter was very bitter, and the motion was opposed by many Southerners. It was withdrawn on February 2.⁴ Almost every speaker during the debates on the tariff reduction bill, who advocated a continuance of the *status quo*, insisted that the Union would be virtually destroyed by yielding to the demands of South Carolina. By a vote of sixty-nine to sixty-four it was resolved to strike out the duties on tea and coffee. Another amendment providing for the gradual reduction of duties on wool, blankets, flannel, carpets, etc., and on cotton manu-

January 31.
Mr. Adams's
sensitiveness.

¹ Register of Debates, p. 1442.

² Ibid., p. 1509. He dates the beginning of cotton manufacturing in Rhode Island in 1790. Ibid., p. 1511.

³ Ibid., pp. 1522-1529, 1564. He so far modified the expression the next day as to make it apply to the adoption of such a motion by the House.

⁴ Ibid., p. 1578.

factures, was debated for several days.¹ The discussion on the 2d of February in the end was rather favorable for the

February 2. high tariff men, although it began with an exposure by Cambreleng of the uselessness of the tariff in the item of protection to cotton goods after forty years' trial.² On the 4th of February Ward, of New York,

February 4. a decided protectionist, declared, as others had done in less positive terms, that it was an abuse of the protective principle to apply it to raise a revenue which was not needed, and that the evidence was written on every heart that the country was on the brink of an awful precipice.³ Adams, of Massachusetts, changing his position since 1830, when he reprobated in his diary Webster's doctrine of the oneness of the people of the United States, and especially his denial that there was a constitutional compact, used the following language: "It [the Constitution] had been the act of the people collected in separate communities, but forming one people, whose sanction alone gave to the Constitution all its power." He said that the interests of one portion of the community could often be protected only at the expense of some other portion of it. But the representation of slave property was a compensation under the laws. He would not agree to it if it were to be made again. He also contended that other provisions of the Constitution, as the rendition of fugitive slaves and the guarantee against domestic violence, were especially in favor of the slave States. The ex-President mooted the question whether South Carolina had a republican government.⁴ The six thousand soldiers of the regular army were employed in protecting the slave-owners and the Indian border. The legitimate consequences, he said, of the abandonment of the protective tariff were the dissolution of the army and navy and the return to government by the States.⁵ Drayton, an ex-Federalist and one of the Union party leaders in South Carolina, replied with great warmth to Mr. Adams, whom he charged with intro-

¹ Register of Debates, p. 1575, *et seq.*

³ *Ibid.*, p. 1592.

⁴ *Ibid.*, p. 1614.

² *Ibid.*, pp. 1579-1584.

⁵ *Ibid.*, p. 1615.

ducing topics that must inevitably excite hostile and even furious passions. He condemned Adams's positions as worse than nullification itself. Adams "had thrown a firebrand into that hall." In replying to what the latter had said of protection to the South in the Constitution, Drayton remarked: "In the second section of the first article of the Constitution a representation in Congress is granted to the Southern States for three-fifths of their slaves, and as an equivalent for this concession they are liable to the payment of direct taxes in a ratio apportioned to that representation. . . . As the South obtained a larger representation than their free population entitled them to, in return they were bound to discharge a proportionably greater share of direct taxation. These were the conditions of the compact. They were fairly and voluntarily entered into; they were considered to be expedient when they were ratified, and at this day none of the contracting parties have a right to complain of them. As to the other species of protection, it was more nominal than real; the Southern States place no reliance upon it."¹ Patton, of Virginia, replied to the constitutional argument advanced by Mr. Adams, and urged the passage of the bill or some other action to tranquillize the country.

The committee of the whole rejected Adams's motion to strike out the enacting clause and various amendments reducing the amount of reported reduction on cotton goods, iron, and other articles. White's amendment was carried by the casting vote of the Chair. It fixed the duty on cottons first at thirty, then at thirty-five per cent., leaving it permanent after 1836 at twenty per cent.² The whole section relating to silks was stricken out. The most important of the amendments adopted on the 6th of February were Evans's setting the same rate of paper duty, and Denny's the same duty on cut glass as in 1824, and Ashley's to restore on lead the duty of 1828.³ An amendment by Beardsley giving forty per cent. on wool

Drayton replies
to Adams.

White's
amendment.

¹ Register of Debates, p. 1619. ² Ibid., p. 1634. ³ Ibid., p. 1635.

until 1834; then thirty-five per cent. until 1835; thirty per cent. until 1836; and twenty-five per cent. permanent duty, was adopted. Many propositions were rejected.

February 7. The Verplanck bill was reported to the House on the 7th of February.¹

The Force bill was reported by Bell from the Judiciary Committee of the House on the succeeding day. The report

February 8. was opposed by several of the members of the
The Force Bill committee, some of whom had agreed that it
reported. should be made.² On the same day the tariff

bill was considered seriatim in the House. After considerable debate Root's amendment to stop the reduction on wool at thirty per cent. was carried. The provision of the bill as amended stood: on wool worth eight cents a pound and on woollen twist and yarn four cents specific and forty per cent. ad valorem until March 2, 1834, then three cents and thirty-five per cent. until 1835, and two cents and thirty per cent. permanent. The vote on the adoption of the amendment of the committee as amended by Root was ninety-seven to eighty-eight.³

The Collection or Force bill was considered for several days on the same day with the tariff measure. The motion

February 11. made on the 11th of February to table the latter was negatived by a decisive vote, but even then it was evident that such divisions existed as would preclude its passage. Drayton proposed to recommit it with instructions to report a bill continuing the act of 1832 until March 2, 1834, and then to reduce the duties one-third;

Various tariff propositions prove abortive. Wickliffe, to continue the bill of 1832 until March 2, 1834, and thereafter to reduce the duties in such manner that by 1840 they should have reached twenty per cent., the reduction equally distributed through the intervening years; Irwin, by amendment of Drayton's resolution, to reduce ten per cent. annually after 1834 until the revenue should be reduced to the

¹ Register of Debates, p. 1653.

² Ibid.

³ Ibid., p. 1664.

wants of the government; Wardwell, to reduce annually five per cent. until the duties reached twenty per centum.¹ Drayton modified his plan so as to embrace some of Wardwell's. The various propositions just stated were rejected or withdrawn. A motion to table the bill was lost on the 18th of February. Changes in the report of the Committee of the Whole were made in ready-made clothing, leaving the article as in 1828, and raw cotton, which had been placed at two cents a pound by the Committee of the Whole, and which was stricken out by a bare majority.² The debate on the latter motion was long and full of recrimination. The Southern men who wished to strike out the duty were Alexander, Archer, Barnwell, Bell, Clayton, T. H. Hall, Lamar, Mardis, Patton, Polk, Roane, Spaight, Wayne, and Wilde, who voted with John Davis, Dearborn, Dickson, Ellsworth, Horace Everett, Gilmore, protectionists, and a few administration men who were intermediate between the two schools. A majority of the Southerners and low-tariff men had voted for reconsideration, along with some of the most stalwart of the protectionists. Stewart asked, "Why this fluttering?" and said he was glad to see the war carried south of the Potomac.³ But both schools were divided on this question.

February 18.
Sundry
changes.

The Force bill, although reported by an apparent majority, was favored, it was intimated, by only two members of the Judiciary Committee. Its chairman, Mr. Bell, of Tennessee, did not wish that the impression should prevail that the House sanctioned the measure, and therefore opposed the motion to print twenty-five thousand copies, which, however, prevailed.⁴ The report accompanying the bill contained a very remarkable passage: "When, therefore, a law is made by the government so oppressive and destructive of the interests of the people of one of the States as to de-

The House Judiciary Committee hostile to the Force bill reported by them.

¹ Register of Debates, 1681.

² The vote was eighty to eighty-one on the proposition to concur with the committee. Register of Debates, p. 1755.

³ Ibid., p. 1751.

⁴ Ibid., pp. 1676, 1682-1685.

termine them to resist it at every hazard, it is evidence of the justice of their complaint, which should not be disregarded; and it is the bounden duty of the legislature, instead of devising vigorous measures to enforce it, to modify the obnoxious law." It was denied that this language was intended to defend the doctrine of nullification, or to protect those who advocated it; but Stewart contended that a re-reading of the document had only confirmed his previous impression that it contained the essence of nullification, the essence of anti-tariffism, and the very quintessence of anti-Jacksonism."¹

Pending some of these events the Presidential count occurred.

On the 21st of February the tea and coffee duties in the Verplanck bill were stricken out. In the early part of this February 21. day a debate had occurred as to which measure, Tea and coffee. the Force bill having been received from the Senate, should occupy the attention of the House. The low-tariff men had wished to go on with the consideration of the tariff bill, the others to take up the Force measure. The former motion prevailed. There was, however, during the debate considerable filibustering.² In speaking upon his resolution calling on the President to communicate whatever evidence he might have authorizing the belief that the government and people of South Carolina meditated the seizure of the forts or other property belonging to the United States, Davis, of that State, met the charge with a flat denial. Wayne said that there was already sufficient excitement, without an addition to it in the House, and saw nothing in the recent orders which differed from the attitude in which South Carolina had placed herself by her ordinance and her subsequent laws in pursuance of that ordinance. He therefore moved to table the motion, and his motion was adopted by a vote of one hundred and nine to fifty-seven.³

¹ Register of Debates, p. 1684.

² Ibid., pp. 1758-1762.

³ Ibid., p. 1764.

On this day a fiery debate occurred on the disposition to be made of the Enforcement bill. Motions to postpone to various days and to refer to the Committee of the Whole were made by the enemies of the measure.

The Chair decided that it did not under the rules have to go to the Committee of the Whole.

Fiery debate on the reference of the Force bill.

The bill was denounced as more despotic than the Alien and Sedition laws.¹ Chairman Bell did not think it was fraught with the danger gentlemen apprehended. Some of the friends of the South Carolinians averred that if the House would pass a measure of reconciliation there would be no need for the pending or any other measure of enforcement. Wayne defended the bill, but he said that the time had arrived when men should act together for a common object,—to have the tariff reduced and the country pacified. It was immaterial which measure had precedence. His remarks were partly on one side and partly on the other.² The South Carolinians had been silent on these measures, but at this point

Warren R. Davis's speech.

Warren R. Davis arose and observed that the House would do himself and his colleagues the justice to own that they were in no way responsible for the delays that had occurred. "You have all witnessed," he continued, "that we submitted in silence to the reading and discussion of public documents containing false, malicious, and defamatory libels on the State and people of South Carolina . . . that shot like fiery arrows through our veins. . . . We remained in our places, we kept our seats and bore the torture." He asked Bell, as chairman of the Judiciary Committee, if it was the intention of the party with which he acted to give precedence to the bill for collecting revenue. Bell replied that he would answer the question in the same spirit of candor in which it was asked: It was desired to have the measure passed as soon as practicable, and for that purpose to give it precedence. "Then," said Davis, "we understand it now. The President is im-

¹ Register of Debates, p. 1766.

² Ibid., p. 1768.

patient to wreak his vengeance on South Carolina. Be it so. Pass your measure, sir; unchain your tiger; let loose your war-dogs as soon as you please. I know the people you desire to war on. They await you with unflinching, unshrinking, unblenching firmness. I know full well the State you strike at. She is deeply enshrined in as warm affections, brave hearts, and high minds as ever formed a living rampart for public liberty." He proceeded in the same fiery spirit to declare that the people of South Carolina would receive the bill, whether passed or not, "with scorn and indignation and detestation. They will never submit to it. They will see in it the iron crown of Charlemagne placed upon the head of your Executive; they will see in it the scene upon the Lupercal, vamped up and newly varnished; they will see in its hideous features of pains and penalties a declaration of war in all but its form; they cannot, for they are the best informed people upon the face of the earth or that ever have been on it on the great principles of civil and political liberty, but see in it the utter prostration and demolition of State rights, State constitutions, and of the Federal Constitution, too. . . . Peace, is it? Shame! Shame! You pour fire and brimstone on our heads, and bid us, in the language of a departed friend, 'Be quiet; it is Macassar oil—myrrh, frankincense!' You collect taxes at the point of the bayonet, and call it civil process." He denounced protection, but exempted South Carolina from the charge of having mercenary motives. "What does her bright and glorious history tell you? To coin her heart for money; to drop her blood for drachms? . . . Why arm the President with powers so dangerous to peace and freedom, and in the face of recorded refusal by your predecessors to give the pacific civilian, the mild, virtuous, humane Jefferson, the much lesser power of suspending the habeas corpus act? Is this thing so coveted by and gratifying to the President? Is this bloody bill, this Boston Port bill, so delightful to him that it is to be preferred to that which is said to be pacificatory? Why, sir, if he must be gratified, must be amused, buy him a tee-

to-tum, or some other harmless toy, but do not give him the purse and sword of the nation, the army and navy, and the whole military power of the country as peaceful playthings to be used at his discretion." He concluded his speech with the message sent from Utica to Caesar: "Bid him disband his legions," etc. "That, sir, is her answer."¹ After further discussion McDuffie prudently appealed to the judgment of the House whether good results could possibly proceed from the debate. On the same day the House took up the tariff bill, having postponed the other until the day following.² Letcher, of Kentucky, a friend of Mr. Clay, rose immediately and moved to strike out all after the enacting clause and insert another bill in lieu thereof. This was Clay's measure. Objection having been made, the House went into committee of the whole and Letcher's motion was there agreed to and the bill was reported to the House.³ The protectionists of the straightest sect opposed these proceedings, except the friends of Mr. Clay, who were now prepared to co-operate with the low-tariff men and the Southern enemies of the President. One ground of opposition to the bill at the time of its introduction was that the third section which provided for the assessment of values of goods at the port of entry conflicted with the provision of the Constitution that "all duties shall be uniform."⁴ Davis, of Massachusetts, expressed surprise at the suddenness of the movement, which he spoke of as "this arrangement," and declared that the bill would place the country under the guardianship of the Carolina system. He said that the bill favored great at the expense of large capital; that it abandoned the right to discriminate.⁵ At the close of the period South Carolina, having stood by the compromise when she supposed it was beneficial to the tariff States, would say, "You have no right to change this law ;

Letcher introduces Clay's bill in the House as a substitute.

¹ Register of Debates, p. 1770.

² Ibid., p. 1772.

³ Ibid.

⁴ The same argument was used in the Senate discussion. On the next day, however, Foster, who advanced it, admitted he was mistaken. Register of Debates, pp. 1773-1791.

⁵ Ibid., p. 1775.

it was founded on compromise; you have the benefits of your side of the bargain, and now I demand mine." Horace Everett had not expected the blow would fall on the manufacturers from the quarter from which it fell. There would be in 1842 a deficiency of revenue. How would it be supplied? Dickson also opposed the measure. Letcher replied to these speeches. By a vote of one hundred and five to seventy-one the bill was ordered to be engrossed.¹ In the discussion upon this bill, on the 26th of February, Clay was hotly assailed by the more zealous protectionists and as warmly defended by others. He was accused of having betrayed the protection party and the North "under a great political arrangement." The charge was denounced as calumnious, and his act was eulogized in the loftiest terms.² The speakers exhibited great zeal and heat on both sides. Stewart, who opposed all legislation upon the tariff at that time, claimed that the South demanded the sacrifice of the whole Northern people. It was time, he said, to stop and tell these gentlemen plainly that we will go no farther, and to play out their game of nullification and civil war if they dared. And he predicted, with slight knowledge of the situation there, that the Union men in South Carolina would be able to put down the nullifiers with little or no aid from the federal government.³ At last McDuffie declared that the South had a right to demand more, but he had nevertheless made up his mind to vote for the bill. He believed that the measure would give quiet to the country, and for that reason he should support it. Bates, of Massachusetts, in giving his grounds of objection to the bill, said he had no fear that the South would not abide by it. The previous question was carried by one hundred and nine to eighty-five. The vote in the House on the final passage of the Compromise tariff measure was, yeas, one hundred and nineteen; nays, eighty-five,⁴ or in full as follows: Messrs. Adair, Alexander, Chil-

The House.
Passage of the
Compromise
bill.

¹ Register of Debates, p. 1779. ² Ibid., p. 1790. ³ Ibid., p. 1802.

⁴ Ibid., p. 1810, vol. ix., part 2; H. R. Journal, p. 428.

ton Allan, Robert Allen, Anderson, Angel, Archer, Armstrong, John S. Barbour, Barnwell, Barringer, James Bates, Bell, Bergen, Bethune, James Blair, John Blair, Boon, Bouck, Bouldin, Branch, John Brodhead, Bullard, Cambreleng, Carr, Carson, Chinn, Claiborne, Clay, Clayton, Coke, Connor, Corwin, Coulter, Craig, Creighton, Daniel, Davenport, Warren R. Davis, Doubleday, Drayton, Draper, Duncan, Felder, Findlay, Fitzgerald, Foster, Gaither, Gilmore, Gordon, Griffin, Thomas H. Hall, William Hall, Harper, Hawes, Hawkins, Hoffman, Holland, Horn, Howard, Hubbard, Irvin, Isaacs, Jarvis, Jenifer, Richard M. Johnson, Cave Johnson, Joseph Johnson, Kavanagh, Kerr, Lamar, Lansing, Lecompte, Letcher, Lewis, Lyon, Mardis, Mason, Marshall, Maxwell, William McCoy, McDuffie, McIntire, McKay, Mitchell, Newnan, Newton, Nuckolls, Patton, Plummer, Polk, Rencher, Roane, Root, Semmes, Sewall, William B. Shepard, Augustine H. Shepperd, Smith, Spaight, Spence, Stanbery, Standefer, Francis Thomas, Philemon Thomas, Wiley Thompson, John Thomson, Tompkins, Verplanck, Ward, Washington, Wayne, Weeks, Elisha Whittlesey, Campbell P. White, Edward D. White, Wickliffe, Williams, Worthington. The nays were Adams, Heman Allen, Allison, Appleton, Arnold, Ashley, Babcock, Banks, Barber, Barstow, Isaac C. Bates, Beardsley, Briggs, John C. Brodhead, Bucher, Burd, Burgess, Cahoon, Chandler, Choate, Collier, Condict, Condit, Eleutheros Cooke, Bates Cooke, Cooper, Crane, Crawford, John Davis, Dayan, Dearborn, Denny, Dewart, Dickson, Ellsworth, George Evans, Joshua Evans, Edward Everett, Horace Everett, Ford, Grennell, Hiland Hall, Heister, Hodges, Hogan, Hughes, Huntington, Ihrie, Ingersoll, Kendall, Kennon, Adam King, John King, Henry King, Leavitt, Mann, Macarty, Robert McCoy, McKennan, Mercer, Milligan, Muhlenberg, Nelson, Pearce, Pendleton, Pierson, Pitcher, Potts, Randolph, John Reed, Edward C. Reed, Russel, Slade, Southard, Stephens, Storrs, Sutherland, Taylor, Vinton, Wardwell, Watmough, Wilkin, Wheeler, Frederick Whittlesey, Young.

On the 27th of February the House bill, which was identical with his own, was reported without amendment

February 27. to the Senate on motion of Mr. Clay, and was
March 1. ordered to its third reading. It was put upon

its passage on Friday the 1st of March, and debated at length. Robbins said that the bill considered the protective policy as a great State criminal condemned to die, but whose sentence was respited a few days to give him time to arrange his affairs. He supposed that the bill would

The bill on its final passage in the Senate. pass, and he further averred, "If it does pass, it may smother the fire now raging in one

place, but I fear it will preserve the embers that one day will consume the fabric of the Union."¹ Calhoun observed that to some details of the measure he still had objection,—among them the slowness of the reduction in the first part of the series and in the last the rapidity, and the home valuation. But these objections were outweighed by the fact that the bill provided as a final result a reduction to the just and economical wants of the government. He had but little faith in pledges, about which a good deal had been said. He had experience enough to know that even the Constitution itself would be violated whenever the dominant party saw its advantage in such violation. His reli-

ance, he declared, was in the circumstances under which the bill was about to pass. He had no fear that any one would try to re-establish the protective system with the present experience before his eyes. But while he believed that as far as this subject was concerned peace and harmony would follow, there was another measure connected with it which would prevent the return of quiet. Calhoun proceeded to say that he considered the Force bill as "a virtual repeal of the Constitution." He trusted that the advocates of liberty everywhere, as well in the North as the South, would rally against this attempt to establish by law doctrines which must subvert the principles on which free institutions could

Calhoun's reliance in the circumstances under which the bill was about to pass.

¹ Register of Debates, p. 791.

be maintained.¹ Frelinghuysen, expressing his belief in the policy of protection as an abstract question, declared that this was not an abstract but a practical question of deep and most eventful moment. Nullification was only one of many forms of discontent. The bill was a great peace offering. Dallas was averse to all legislative arrangements which compromised or abandoned certain great principles. He drew a sad picture of the condition of Pennsylvania in the event the bill should pass. Dallas appeared illogical in saying that the measure would abandon protection, and yet the nullifiers in supporting it would give up their anti-protective principles.² But he expressed his gratification at the thought that the bill would pacify the country. Ewing declared that if it yielded the principle of protection no consideration could induce him to assent to it. But, on the whole, he felt confident that the industry of the country would be more safe in 1842, under the provisions of the bill, than it would in 1834 if the bill should not become a law.³ Mangum and Clayton spoke for and Webster against the measure. Webster said that he stood before the country on the proposition that everything which had been found valuable in the protective system was abandoned by the bill. Frelinghuysen averred that the gentleman from Massachusetts had not dealt fairly with his argument; the question was, Will we have the tariff, or have the Union? "Whenever," he continued, "it comes to that dreadful issue, I take the Union."⁴ After speeches by Silsbee, Clayton, Forsyth, Sprague, Holmes, and Wright, Clay concluded the discussion. Among his last utterances were these: "Save the country—save the Union—and save the American system."⁵ The vote on the passage of the bill was: Yeas—Bell, Bibb, Black, Calhoun, Chambers, Clay, Clayton, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hill, Holmes,

Webster opposes the bill to the last.

Frelinghuysen presents the issue: tariff or Union, and prefers the latter.

March 1.
Clay's Compromise bill passes finally.

¹ Register of Debates, p. 792.

² Ibid., p. 795.

³ Ibid., p. 799.

⁴ Ibid., p. 802.

⁵ Ibid., p. 808.

Johnston, King, Mangum, Miller, Moore, Naudain, Poindexter, Rives, Robinson, Sprague, Tomlinson, Tyler, Waggaman, White, and Wright, twenty-nine; nays—Benton, Buckner, Dallas, Dickerson, Dudley, Hendricks, Knight, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Smith, Tip-ton, Webster, and Wilkins, sixteen.¹ The great Compromise Measure of 1833 was signed by the President, who was thus far wiser than his supporters in the Congress.²

While these events were taking place in the Congress the State rights party in the Virginia Legislature were maturing a plan of action by which harmony could be preserved on a basis honorable alike to all the participants in the controversy. It was a delicate task to which they set themselves. If they should overstep ever so little the bounds of modesty and prudence, it was sure that they would fail, and the failure might make it worse for South Carolina. But they must not approve her course. That far all was clear. It only remained to convey disapprobation in such a friendly and dignified manner as to induce the nullifiers to pause and consider any measure of conciliation which might be adopted by the Federal government. Resolutions directed to the existing condition of affairs and reaffirming the ancient doctrine of Virginia were adopted, and Mr. Benjamin Watkins Leigh was empowered to act as a commissioner of the State of Virginia to the State of South Carolina. Mr. Leigh proceeded to Charleston and entered upon a correspondence with the Governor. Virginia, in the resolutions adopted by the Legislature, had asked that South Carolina, in the interests of peace and union, should rescind

Virginia ar-
ranges for
peace.

January 26.

¹ Register of Debates, p. 809; also Senate Journal, p. 224. Besides pacifying the country on this eventful occasion, Clay brought about the restoration of friendship between Webster and Poindexter.

² March 2. Von Holst, in his "Life of Calhoun" (Statesman's Series, p. 106) says that if either party had a right to claim the victory, it was certainly not Jackson and the majority of Congress, but Calhoun and South Carolina. Lodge, in his "Life of Webster" (same series), takes a broader view: "South Carolina had in reality prevailed, although Mr. Clay *had* saved protection in a modified form." Page 219.

or at least suspend her ordinance of nullification. Her commissioner presented her views, and in his latest communication even assumed that the recent act of Congress—Mr. Clay's compromise measure—provided such a modification of the tariff as left very little doubt of the course South Carolina would pursue.¹ The re-
February 13.
 sult of the correspondence was a call from President Hamilton for the reassembling of the convention. The call was issued on the 13th of February, and the body
March 11. The second session of the convention in South Carolina.
 convened on the 11th of March following. As at the previous session, prayer was offered. The presidency was resigned by Hamilton and accepted by Hayne. Two new ordinances were adopted. One was a harmless expression of the public feeling on the repressive legislation of the Congress: it nullified the Force bill.² The other declared, "Whereas, the Congress of the United States by an act recently
March 18.
 passed has provided for such a reduction and modification of the duties upon foreign imports as will ultimately reduce them to the revenue standard, and provides that no more revenue shall be raised than
The Ordinance of Nullification rescinded.
 may be necessary to defray the economical expenses of the government, it is therefore ordained and declared that the ordinance adopted by this convention on the 24th of November last entitled" (here the title is set forth) "be henceforth deemed and held to have no effect." But it was provided that the militia act of December 20, 1832, should remain in force until repealed or modified by the Legislature. The convention made an amicable response to the Virginia resolutions, but took issue with their framers on the propriety and justice of South Carolina's conduct and on the deductions that State had made from the Virginia resolutions of 1798 and the report of 1799.³

¹ Dated March 11, and addressed to the convention.

² The rescinding ordinance was the first in the order of time.

³ For the above, see "Official Proceedings," Columbia, 1833. The excitement in South Carolina abated after the terms of the Compromise

After the passage of the Compromise bill consideration of the Force bill was resumed; but the House was in such disorder that no business could be transacted.

In the House after the passage of the Compromise bill.

McDuffie's voice was heard in the din declaring that if gentlemen would hear the opponents of the measure he was ready to meet them, but if not and if he could get forty men to stand by him he would continue to move for adjournment and call for the yeas and nays until the end of the session.¹ Several members responded that they would support him. In vain the Speaker called for order. Bell arose to speak, but he could not be heard. While he was on the floor McDuffie moved several times to adjourn. The Speaker decided that these motions

were out of order, as a member occupied the floor. This uproar, than which nothing surpassing it had ever taken place in the hall of Representatives, lasted until the hour of the evening recess.²

Adams's report on the President's message, which had been referred to the Committee on Manufactures, was presented on the 27th of February.³ This elaborate document assails the President's declaration that the independent

farmers were the basis of society; it attacks the institution of slavery and the seven slave States with great bitterness; it inveighs against the land, internal improvement, and tariff policy of the Jackson administration. In regard to the President's tariff principle limiting protection to articles useful in war, his predecessor remarked that it was "incorrect, unjust, and unconstitutional." He thought that gradual reduction of protection to manufactures was exceptionable, the more because it countenanced the action of South Carolina. The subscribers to the report express surprise at the tone of the

February 27. Adams's report on the President's message.

were made known. The Convention adjourned on the 18th of March, after a session of eight days.

¹ The modern name of these obstructive tactics is "filibustering;" the number of such motions is now limited by rules first adopted in the Forty-seventh Congress, and made more rigid in the Fifty-first Congress.

² Register of Debates, p. 1812. ³ Ibid., p. 1817, and Appendix, p. 4.

message issued ten days after the South Carolina ordinance, in which message they asserted that the condition of things was described in terms inadequate to the real magnitude of the crisis. "Only six days after the delivery of this message the proclamation emanating from the same source was published to the world, founded, as it appears on its face, upon the ordinance alone, which had thus been in the President's possession before the message was sent to Congress." The writer of the report says further that an expectation was entertained at the Executive mansion that on the receipt of the message in South Carolina the nullification convention would abrogate the ordinance immediately. He commends the proclamation, and condemns nullification and secession as absurd doctrines. It was held that the reduction of the revenue was not incompatible with the principle of protection. But it was contended that no reduction was then needed.¹

On the resumption of the Force bill discussion, McDuffie said that the measure passed the day before would be regarded in South Carolina as an olive-branch, McDuffie and Blair. but this statement was contradicted by Blair, one of the Union leaders.² Clayton, of Georgia, wanted no finger-board attached to a compromise bill, pointing to a threat if it were not accepted. Carson, of Mr. Macon. North Carolina, quoted from a letter received Coercion. from Mr. Macon, in which the aged statesman deprecated the employment of force in the pending difficulties, and gave the opinion that secession was the rightful remedy. He also cited the authority of John Randolph. The discussion ran into the evening session, and was picturesque in both its serious and comic aspects. One Southern speaker said, mockingly, that on the morning Mock prognos-
tics. the President's proclamation appeared in the Senate no prayers had been uttered, and that one of the thirteen stars, representing the thirteen original States, in the Virginia Capitol fell on the day that that grave body

¹ Register of Debates, Appendix, p. 60.

² Ibid., p. 1819.

was discussing federal relations. He also read quaint extracts from Lord Somers, relating to Dutch prognostics in 1660–61.¹ General Jackson was declared to be an improper person to entrust with absolute power. A free-born South Carolinian was depicted as prone on the ground, and the President standing ready to plunge a dagger into the free-man's heart. James Blair, on the other side, said that he should regard the rejection of the bill as a negative sanction of nullification, and an indirect rebuke of the Union party of South Carolina. "We ask not personal protection," were his words; "we would suffer annihilation before we would invoke aid in that respect." The bill might increase the anger and hostility of their opponents. He denounced secession as well as nullification, and praised Jackson's character, services, and patriotism.² The debate lasted through both sessions on the 28th of February. Foster pointed out the inequality and injustice of the proposed law as regarded those merchants of Charleston who had no intention of taking advantage of the South Carolina laws to evade payment of duties, and Daniel made an important statement respecting the President's former position on nullification. He said that at the time of Hayne's speeches in the Senate on this doctrine both the President and Senator Grundy had approved the position of South Carolina as enunciated by her Senator. In a letter addressed to Mr. Hayne, the former had expressed himself in terms strong as language could afford. Bell enquired if he had personal knowledge of the President's approval of those principles and of his commendation of Mr. Hayne's speech. Before the Kentucky member could reply, Carson arose, and with much earnestness averred: "I from my personal knowledge can declare that such is the fact. The President expressed his approbation of that speech to me in person." Daniel resumed his remarks. What he knew of the President's opinions on this subject was from documents emanating from the President's

The President's
former posi-
tion.

¹ Register of Debates, p. 1832.

² Ibid., p. 1860.

own pen, from the various statements of gentlemen whose veracity could not be impeached, and from corroborating circumstances. Daniel fixed partial responsibility for the condition of things in South Carolina upon the Union party itself, including Blair, with whom he was arguing the question, alleging truthfully that they had done much to produce the excited feeling there by their violent denunciations of the unconstitutionality of the tariff.¹

This was the final debate on the measure. The previous question was demanded by Craig, a Virginian, on which the nullifiers and their friends, with a few of the Northern enemies of the President, voted no. The vote was, yeas, one hundred and ten; nays, forty-four.² The vote on ordering the bill to a third reading was one hundred and twenty-six to thirty-four. Its friends pressed the measure to a vote that night. The previous question was carried by one hundred and eleven to forty. The House adjourned at 1.30 A.M. of the legislative day of February 28, which was the calendar day of March 1. On the succeeding legislative day the select committee to whom had been referred so much of the President's message as related to doubtful powers made a verbal report which stated that there was not a single point on which the committee could agree, and amidst some "jocular conversation" the committee was discharged.³

The Force or Revenue Collection bill passed by the following vote: Yeas—Adams, Chilton Allen, Heman Allen, Allison, Anderson, Appleton, Armstrong, Ash-
ley, Banks, Noyes Barber, Barringer, Barstow, Passage of the Force bill.
Isaac C. Bates, James Bates, Beardsley, Bell, Bergen, Bethune, James Blair, John Blair, Boon, Bouck, Briggs, John Brodhead, John C. Brodhead, Bucher, Bullard, Burd, Burges, Cahoon, Cambreleng, Carr, Chandler, Choate, Collier, Eleutheros Cooke, Bates Cooke, Corwin, Craig, Crane, Crawford, Creighton, John Davis, Dearborn, Denny, De-

¹ Register of Debates, pp. 1876-1896.

² Ibid., p. 1896.

³ Ibid., p. 1902.

wart, Dickson, Doubleday, Drayton, Draper, Ellsworth, George Evans, Joshua Evans, Edward Everett, Horace Everett, Findlay, Fitzgerald, Ford, Gilmore, Grennell, William Hall, Hiland Hall, Harper, Hawkins, Heister, Hodges, Hoffman, Hogan, Holland, Horn, Howard, Hubbard, Huntington, Ihrie, Ingersoll, Irvin, Isacks, Jarvis, Jenifer, Richard M. Johnson, Joseph Johnson, Kavanagh, Kendall, Adam King, John King, Henry King, Kerr, Lansing, Leavitt, Lecompte, Letcher, Lyon, Mann, Marshall, Maxwell, McCarty, William McCoy, McIntire, McKay, McKennan, Mercer, Milligan, Mitchell, Muhlenberg, Nelson, Newton, Pearce, Pendleton, Pierson, Pitcher, Polk, Potts, Randolph, John Reed, Edward C. Reed, Russell, Semmes, Sewall, William B. Shepard, Augustin H. Sheperd, Slade, Smith, Soulé, Speight, Standefer, Stephens, Stewart, Sutherland, Taylor, Francis Thomas, Philemon Thomas, John Thomson, Tompkins, Tracy, Verplanck, Vinton, Ward, Wardwell, Washington, Watmough, Wayne, Wilkin, Elisha Whittlesey, Frederick Whittlesey, Campbell P. White, Edward D. White, Williams, Worthington, and Young, one hundred and forty-nine; nays—Alexander, Robert Allen, Archer, Arnold, Babcock, John S. Barbour, Barnwell, Bouldin, Carson, Chinn, Claiborne, Clay, Clayton, Coke, Connor, Cooper, Coulter, Daniel, Davenport, Warren R. Davis, Felder, Foster, Gaither, Gordon, Griffin, Thomas H. Hall, Hawes, Hughes, Cave Johnson, Lamar, Lewis, Mardis, Mason, McDuffie, Newnan, Nuckolls, Patton, Plummer, Rencher, Roane, Root, Stanbery, Wiley Thompson, Weeks, Wheeler, Wickliffe, and Wilde, forty-seven.¹

McDuffie offered an amendment to the title of the bill in the following words: "An act to subvert the sovereignty of the States of this Union, to establish a consolidated government without limitation of powers, and to make the civil subordinate to the military power." It was cut off by the previous question and the title of the measure retained as it came from the Senate. The bill was returned to the

¹ Register of Debates, p. 1903; Journal, p. 453.

other house without amendment, and was afterwards approved by the President.¹ Although galling to the pride of the South Carolinians, it was a dead letter when it became a law; for the Compromise had secured peace, and there was no more for that generation any place for force among the safeguards of the Union.²

¹ March 2. The Compromise bill and the Force bill were signed on the same day.

² In another volume I shall treat of the United States Bank and the Public Lands. These questions are deferred, along with that of Internal Improvements, because a great part of the events included in a discussion of them happened later than the date I have fixed for the present volume's utmost limit.

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